

Report to	Planning applications committee 12 May 2016	Item
Report of	Head of planning service	5
Subject	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 4, 2015-16 (1 January to 31 March 2016)	

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 January to 31 March 2016.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Bremner

Contact officers

Graham Nelson, head of planning services 01603 212530

Mark Brown, Inner area team manager 01603 212505

Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.

Performance of the development management service

3. The cabinet considers quarterly reports which measure the council's key performances against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
4. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
5. Of all the decisions that are accounted for by the governments NI157 indicator, some 144 applications out of 160 were dealt with by officers (a delegation rate of 90 per cent) and 16 applications were dealt with by committee. This is consistent with the average for the last 8 quarters of 89.2%.

Appeals

6. There was 1 planning appeal pending at the end of the quarter which relates to 9 Normans Buildings a proposal for 4 flats adjacent to St Peter Parmentergate Church on King Street, this was refused on three grounds due to impact on the listed church and conservation area, lack of justification for the loss of the business unit and due to unsatisfactory amenity for future residents. Statements have been submitted and the decision is awaited. Details are set out in appendix 1.
7. Two appeal decisions have been received and one appeal at Aldwych House against an enforcement notice has been withdrawn following a revised scheme being approved by committee. One appeal has been allowed, this relates to Vikings Venture Scout Hut on Dereham Road. The case was refused by committee on three grounds as summarised below:
 - a) concerns over land stability at the site and that no viability information had been submitted to demonstrate that mitigation measures could satisfactorily address the risks and allow a viable development to proceed;
 - b) further vehicular and pedestrian conflicts resulting from the new access onto Dell Crescent and potential to hinder emergency vehicles accessing the site; and
 - c) the absence of a legal agreement securing affordable housing.In relation to the first reason the inspector noted that a land stability report had been submitted with the application which indicated that development of the site could be achieved. Whilst neighbours' concerns over the suitability of the site for development were noted, the inspector concluded that there was no compelling evidence to dispute the findings of the submitted report. On the matter of viability the inspector noted that

the developer was claiming the site to remain viable despite the mitigation measures need to deal with land stability and that the developer had submitted a unilateral undertaking to provide policy compliant levels of affordable housing. On this basis the inspector concluded that there was not requirement for a viability assessment. On the second the inspector noted that whilst the road was narrow in parts due to parking either side there was sufficient width for an emergency vehicle to pass. Whilst the access was close to the access for the adjacent flats there was sufficient room to allow for vehicle manoeuvring and no compelling evidence submitted with the appeal to suggest this would not be the case. The inspector concluded there would be no material harm to highway or pedestrian safety. The inspector also advised that access from Dereham Road would be contrary to policy. The final reason for refusal was resolved via the submission of a S106 unilateral undertaking to secure affordable housing.

8. The dismissed appeal relates to 114 Cambridge Street a committee decision to refuse consent and take enforcement action against a first floor extension. The refusal was on the basis of the extensions poor design and form which would have an adverse impact on the area. The applicant failed to appeal the decision notice against refusal in time and therefore the appeal was against the enforcement notice. The inspector noted that the design and materials bear no resemblance to the host dwelling and given the elevated height the extent of this discord is all the more apparent. The inspector also advised that whilst not visible from public vantage points it does not inevitably follow that the development is not harmful. The enforcement notice was upheld and the owner now has just under 12 months to comply with the notice to remove the extension.

Enforcement action

9. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status.

Planning Appeals Pending – Quarter 4 (Pending on 31 March 2016) 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00010/REF Application No. 15/00159/F	APP/G2625/W/15/3138118	9 Normans Buildings	Refusal of planning permissions for erection of 4 No. apartments.	07 December 2015	Written Reps	Pending – statements submitted awaiting decision.

Planning appeals allowed – Quarter 4 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00001/REF Application No. 14/00618/F	APP/G2625/W/15/3006563	Vikings Venture Scout Hut Adjacent To 420 Dereham Road	Refusal of planning permission for erection of 8 No. two bedroom flats.	14 April 2015	Written reps.	Allowed

Planning appeals dismissed – Quarter 4 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00008/ENFPLA Enforcement Ref. 14/00162/EXTEN/ ENF	APP/G2625/C/15/3137001	114 Cambridge Street	Servicing of enforcement notice against unauthorised first floor rear extension.	19 November 2015	Written Reps	Dismissed

Planning appeals withdrawn – Quarter 4 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00011/ENFPLA Enforcement Ref. 15/00101/ENF	APP/G2625/C/15/3140208	Aldwych House 57 Bethel Street	Servicing of enforcement notice against unauthorised projecting rooflights.	10 December 2015	Written Reps	Appeal withdrawn following committee approval of a revised scheme under permission 15/01859/F

Enforcement action. Q4 2015-16 - Status report on all items previously reported to planning applications committee

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
12/01444/F	Norwich Family Life Church, Heartsease Lane, Norwich, NR7 9NT	Erection of new church building (Class D1) incorporating preschool, sports and community facilities.	18 April 2013 12 Sept 2013	Indication at the time of the application was that portakabin buildings on site would be removed and temporary use of premises on Mason Road would cease following the part completion of a new church building. Members agreed a 15 month period from the date of the permission to allow this to happen. This expired at the end of 2014. Agents working on behalf of the Church have made contact and advised that they have been appointed to submit planning application to extend the temporary permission for use and this is due to be submitted imminently.	No
10/01081/U	4 - 6 Mason Road, Norwich, NR6 6RF	Change of use from general industrial to place of worship, non-residential education centre	26 August 2010	Agents working on behalf of the Church have made contact and advised that they have been appointed to submit planning application to extend the temporary permission for use and this is due to be submitted imminently.	No
13/02087/VC & 13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March, 2014	This relates to the provision of landscaping, river bank works and moorings for the NR1 residential development, south stand, corner stand and hotel. Committee approved in March 2014 variations to the landscaping and a timetable for implementation. Some works have been implemented and others are due in the 2016 planting season. The variation applications	No

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
				<p>have not yet been determined due to issues with the extent of works required to the river bank and the ability of the applicant to provide moorings. The riverside walk needs some further works before being signed off by green spaces.</p> <p>A number of meetings have taken place recently to progress this matter and the case is likely to be reported back to committee shortly. Given the time it has taken to negotiate the S106 and conditions for the applications there is now likely to be a further delay in provision of landscaping.</p>	
14/01660/F	114 Cambridge St	First floor rear extension	8 January, 2015	The enforcement notice was upheld on appeal (decision 13 April 2016). The enforcement notice requires the demolition of the extension, making good and removing materials from site by 28 October 2016.	No
15/01382/F & 15/01859/F	Aldwych House 57 Bethel Street	Roof lights	29 October 2015	The original enforcement notice (and associated appeal against it) was withdrawn and a revised notice requiring implementation of the roof lights approved under 15/01382/F issued on 21 st January 2016. This requires compliance by 21 st May 2016.	No
14/00219/BPC /ENF	474 Earlham Road	Conversion of garage to separate dwelling	17 December 2015	Enforcement notice served on 07 th March 2016 requiring cessation of use by 07 th October 2016.	No

Appendix 2

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
16/00047/ENF	128 Thorpe Road	Partial demolition of boundary wall.	10 March 2016	Enforcement notice is drafted and will be served imminently. There has been a delay in issuing this as the land is currently unregistered and pending its first registration.	No

*If the actions have been concluded a “yes” indicates that the item will be deleted from the next quarterly report. Items with ongoing actions (listed as “no”) will be re-reported next quarter.