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| Report to | Planning applications committee | Item |
| | 16 April 2015 | |
| 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, 2014-15 (1 January to 31 March 2015) | |

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 2015.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priority a safe and clean city.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

Graham Nelson, head of planning services 01603 212530

Ian Whittaker, planning development manager 01603 212528

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 147 out of 176 were dealt with by officers (a delegation rate of 83.5 per cent) and 29 applications, were dealt with by committee. Over the past seven quarters this is the lowest rate and has previously varied between 84.4 and 92.7 per cent).

Appeals

6. There were 5 planning appeals pending or awaiting decision at the end of the quarter and details are set out in appendix 1.
7. A decision was made on the two dwellings at the rear of 27-29 Quebec Rd. and the appeal allowed. This was recommended for approval by officers but was refused by the committee. The Inspector considered the main issues was effect on the living conditions of neighbouring occupants and concluded that "the proposal would result in some loss of sunlight to nearby properties but I am not persuaded that this would result in an unacceptable loss of sunlight" and "due to the design of the proposal and the characteristics of the site and adjoining land I consider any overlooking would be minimal and not dissimilar to that found in built-up areas. I therefore conclude the proposal would not result in any unreasonable loss of privacy".
8. A decision has also been made on a lawful development certificate at 8 Taylors Buildings Magdalen Road. This sought confirmation that an extension to a dwelling was lawful on the basis that it was permitted development, however the application was refused under delegated powers because it did not comply with the general permitted development order. The Council's decision has been upheld at appeal and the case dismissed.

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 4.

Planning appeals pending – Quarter 4 (pending on 31 March 2015) 2014-15

| City Council Ref. Nos. | Planning Inspectorate Ref. No. | Address | Proposal | Date Appeal Valid | Type of Appeal | Decision |
|---|--|---|---|----------------------------------|---------------------------|-----------------|
| 14/00003/REF Application No. 13/01090/F and 14/00004/REF Application No. 13/01091/L | APP/G2625/A/1 4/2216867 and APP/G2625/A/1 4/2216869 | 148 Magdalen Street | Refusal of planning permission and listed building consent for demolition of rear outbuildings and extension and construction of 4 No. two bedroom residential flats in two blocks. | 23 April 2014 | Written Reps. | Pending |
| 14/00006/REF Application No. 13/01540/VC | APP/G2625/A/1 4/2220356 | Land And Buildings on the north-east side of King Street | Refusal to vary condition 9 of planning permission (app. No. 04/00274/F) to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawings ..." Conversion of former flour mills and redevelopment of site to provide 160 residential apartments. | 20 June 2014 | Written Reps. | Pending |
| 14/00010/REF Application No. 14/00840/F | APP/G2625/W/1 4/3001125 | 25 Clabon Road | Refusal of planning permission for erection of 1 No. two bed dwelling to rear | 28 January 2015 | Written Reps. | Pending |

| City Council Ref. Nos. | Planning Inspectorate Ref. No. | Address | Proposal | Date Appeal Valid | Type of Appeal | Decision |
|--|---|---|---|----------------------------------|---------------------------|-----------------------------|
| 15/00001/REF Application No. 14/00618/F | APP/G2625/W/1 5/3006563 | Vikings Venture Scout Hut adjacent to 420 Dereham Road | Refusal of planning permission for the erection of 8 No. two bedroom flats. | N/A | N/A | Lodged but not yet valid |

Planning appeals allowed – Quarter 4 (Oct – Mar 2015) 2014-15

| Application Ref No | Planning Inspectorate Ref No | Address | Proposal | Date Appeal Valid | Type of Appeal | Decision |
|---|-------------------------------------|---|---|--------------------------|-----------------------|------------------------------|
| 14/00009/REF Application No. 13/01964/F | APP/G2625/A/14/2223336 | Land Adjacent to 25 - 27 Quebec Road | Refusal of planning permission for erection of 2 No. semi- detached three bedroom dwellings. | 12 August 2014 | Written Reps. | Allowed 7 January 2015 |

Planning appeals dismissed – Quarter 4 (Oct – Mar 2015) 2014-15

| City Council Ref. Nos. | Planning Inspectorate Ref. No. | Address | Proposal | Date Appeal Valid | Type of Appeal | Decision |
|--|---|--|--|----------------------------------|-----------------------|---------------------------------|
| 14/00001/REF Application No. 13/01593/CLP | APP/G2625/X/1 4/2211377 | 8 Taylors Buildings Magdalen Road | Refusal for a Lawful Development Certificate for a single-storey side extension. | 9 January 2014 | Written Reps. | Dismissed 19 January 2015 |

Enforcement action. Q4 2014-15. 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* |
|----------------------|--|--|-----------------------------------|--|----------------------------------|
| 13/00080/CO NSRV/ENF | 33 Grosvenor Road | Replacement windows (Art. 4) | 25 July, 2013 | Enforcement notice appealed and dismissed. The owners of the property are currently liaising with the Design and Conservation Officer on an appropriate window design to replace the existing windows. An appropriate window design has been agreed with the Conservation & Design Officer and a planning application has been received for the revised proposal. | 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, no further contact has been made with the planning service and it appears no action to secure a church building, as previously indicated by the applicant, has happened. Documentation with planning enforcement | 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 | See above – temporary permission has expired and building is occupied without the benefit of planning permission. Suggested to authorise cessation of that use in line with the agreed timetable of works and occupation of the church on the Heartsease site. Documentation with planning enforcement. | No |

| Case no. | Address | Development | Date referred to Committee | Current status | Actions completed Yes/No* |
|-------------------------|-----------------------|--|----------------------------|---|---------------------------|
| 13/00068/EXT EN/ENF | 268 Heigham Street | Shipping container on land | 7 Nov., 2013 | Notice served and time period has expired for compliance. Delay in submitting prosecution file and will be submitted in April. | No |
| EH12/8433 | 64-66 Westwick Street | Unauthorised development – conservatory fronting the river | | Notice served and appealed, appeal was dismissed, the notice was not complied with. On 28 th January 2015 at Norwich Magistrates' Court the defendant was fined £4,000 with £2,141.03 costs. The conservatory has now been largely removed. The current state of the building is less than ideal but there is an issue with making further improvement as there is limited information on the previous use of the site. The photos we have and what there is did not show the site as being particularly attractive. | Yes |
| Planning ref 13/01484/A | Sweet Briar Road | Hoardings | 6 March, 2014 | First correspondence sent to NPS 29/08/2012 and further contact made to NPS on 13/05/2013, 28/08/2014 requesting removal of the sign given its location on council owned land. One sign remaining which is on Council owned land, it would be advisable that NPS Norwich Ltd remove sign rather than reporting for prosecution. We are unable to prove the other large 96-sheet poster panel does not have immunity and as a consequence we are unable to take enforcement action in this particular case. | No |

| Case no. | Address | Development | Date referred to Committee | Current status | Actions completed Yes/No* |
|--|--|--|----------------------------|--|---------------------------|
| Planning ref 13/01982/F | 463-503 Sprowston Road | Aldi foodstore fire escape steps | 6 March, 2014 | The steps to the fire escape have now ben replaced with a ramp. However there are other matters unresolved , e.g. delivery of housing, hours of delivery, not closing car park overnight and these matter are ongoing. | Yes |
| Planning ref 13/02087/VC and 13/02088/VC | Football ground area | River bank, landscaping, street trees, etc | 6 March, 2014 | Various compliance dates between August 2014 and August 2017. Various works are ongoing in the area and snagging checks will need to be undertaken in summer 2015. | No |
| 13/01540/VC | King Street | Read Mills – moorings on river bank | 7 May 2014 | Appeal lodged against refusal, the outcome is awaited before further action is taken. | No |
| 14/00920/F | 63-67 Prince of Wales Rd and 64-68 Rose Lane | Unauthorised use of external seating / smoking area. | 8 January, 2015 | Documents passed to enforcement staff and needs site visit to ascertain if the uses is continuing. | No |
| 14/01660/F | 114 Cambridge St | First floor rear extension | 8 January, 2015 | Documents passed to enforcement staff. However as the applicant has indicated that an appeal will be lodged. No action to be taken until the appeal period has passed. | No |
| 14/01588/D and 12/01172/F | Airport | Engine testing | 8 January, 2015 | Work is ongoing to complete the facility at the new engine testing location but desirable to issue a breach of condition notice to require compliance by June 2015. | 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.