

<b>Report to</b>	Planning applications committee 06 August 2015	<b>Item</b>
<b>Report of</b>	Head of planning service	<b>5</b>
<b>Subject</b>	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 1, 2015-16 (1 April to 30 June 2015)	

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### **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 April to 30 June 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 Bremner

### **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 200 out of 215 were dealt with by officers (a delegation rate of 93 per cent) and 15 applications, were dealt with by committee. Over the past eight quarters this is the highest rate and has previously varied between 83.5 and 92.7 per cent (the quarter before last being the lowest).

## Appeals

6. There were 5 planning appeals pending or awaiting decision at the end of the quarter of which three are new appeals, two of which (420 Dereham Road and 1 The Moorings) were committee decisions to refuse consent. Details are set out in appendix 1.
7. A decision was made on the erection of 1 two bed dwelling at 25 Clabon Road and the appeal was dismissed. This was recommended for approval by officers but was refused by the committee. The Inspector considered the main issue was the effect of the proposed development on the character and appearance of the area and considered that the proposed scheme would materially harm the character and appearance of the area, contrary to the objectives of the development policies, and that there were no material considerations which would justify coming to a decision other than in accordance with those policies. Accordingly, the inspector dismissed the appeal. The inspector also considered neighbour amenity and transport impact but did not note these are reasons for dismissal. The inspector also noted that an approval for a new dwelling at 2 Clabon Road did not provide a direct precedent and in that case there was no 5 year land supply at the time of the decision whereas in this case and at the time of determining this appeal there was a 5 year land supply. The inspector noted that there was no shortfall in housing land supply which might have argued in favour of allowing additional housing.

8. At the time of writing the report an appeal decision has also been received for land and buildings on the north-east side of King Street. This decision was received on 24 July 2015 and is therefore outside the quarter and therefore will be updated in the next set of quarterly reports. However the appeal related to a member overturn of an officer recommendation to approve a revised solution for mooring provision at the site. The appeal was allowed with the inspectorate considering that the revised mooring scheme was an appropriate solution. The appeal decision was subject to a condition that the revised mooring scheme be implemented within three months of the date of the decision i.e. by 24 October 2015. Given the allowed appeal it would no longer be appropriate to serve an enforcement notice.

### **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 3. It should be noted that the engine testing facility at Norwich Airport, which the committee has previously authorised enforcement action against, is not yet operational. The facility is largely complete but there are some technical issues with the construction of the facility which is delaying Health and Safety Executive approval for use. An updated timetable for operation of the facility is currently being sought from the airport.

## Planning appeals pending – Quarter 1 (pending on 30 June 2015) 2015-16

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/14/2216867 and APP/G2625/A/14/2216869	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/14/2220356	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

**Appendix 1**

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
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 the erection of 8 No. two bedroom flats.	14 April 2015	Written Reps	Pending
15/00002/REF Application No. 15/00312/F	APP/G2625/D/15/3039178	263 Robin Hood Rd. Norwich NR4 6BY	First floor side and rear extension	07 July 2015	Written Reps	Pending
15/00003/REF Application No. 15/00225/F	APP/G2625/D/15/3067535	1 The Moorings Norwich NR3 3AX	Erection of single-storey extension at first floor level to side elevation with balconies	15 July 2015	Written Reps	Pending

## Planning appeals dismissed – Quarter 1 (April – Jun 2015) 2015-16

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
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.	Dismissed 06 May 2015

## Enforcement action. Q1 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*
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 and approved on 12 May 2015 for revised windows. It is therefore expected that this will be resolved without formal action however if the revised approved windows are not installed shortly an enforcement notice will need to be issued.	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

Appendix 3

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed Yes/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. No progress has been made outside formal enforcement action and therefore this is with enforcement to draft a notice.	No
13/00068/EXT EN/ENF	268 Heigham Street	Shipping container on land	7 Nov., 2013	Removed	Yes
Planning ref 13/01484/A	Sweet Briar Road	Hoardings	6 March, 2014	All signs against which action could be taken have now been removed. One sign remains however this has deemed consent.	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 there are still some further works to be undertaken before green spaces department are satisfied.	No
13/01540/VC	King Street	Read Mills – moorings on river bank	7 May 2014	Appeal lodged against refusal. Appeal decision has now been received on 24 July 2015 and the appeal has been allowed and is subject to a new condition that the developers proposed revised mooring scheme be implemented within three months of the date of the decision i.e. by 24 October 2015. Given the allowed appeal it would no longer be appropriate to serve an enforcement notice.	Yes



Case no.	Address	Development	Date referred to Committee	Current status	Actions completed Yes/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	Use has ceased.	Yes
14/01660/F	114 Cambridge St	First floor rear extension	8 January, 2015	Documents passed to enforcement staff. Appeal period has passed. Enforcement to draft and serve an enforcement notice.	No
14/01588/D and 12/01172/F	Airport	Engine testing	8 January, 2015	It should be noted that the engine testing facility at Norwich Airport, which the committee has previously authorised enforcement action against, is not yet operational. The facility is largely complete but there are some technical issues with the construction of the facility which is delaying Health and Safety Executive approval for use. An updated timetable for operation of the facility is currently being sought from the airport.	No
13/00237/BPC /ENF	9 Edward Jodrell Plain Norwich NR2 2TD	Change of use from residential (Class C3/C4) use to unauthorised house in multiple occupation (sui generis) use.	11 June 2015	Passed to enforcement who have drafted an enforcement notice which will be served shortly.	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.