

<b>Report to</b>	Planning applications committee 11 February 2016	<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 3, 2015-16 (1 October to 31 December 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 October to 31 December 2015.

### **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 161 applications out of 184 were dealt with by officers (a delegation rate of 87.5 per cent) and 23 applications were dealt with by committee. This is slightly below the average for the last 8 quarters of 89% the range being between 83.5% and 93%.

## Appeals

6. There were 3 planning appeals pending or awaiting decision at the end of the quarter, two of which are new and all are committee decisions to refuse consent. 114 Cambridge Street relates to a committee decision to refuse consent and take enforcement action against a first floor extension. The applicant failed to appeal the decision notice against refusal in time and therefore the appeal is against the enforcement notice. 9 Normans Buildings is 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. Details are set out in appendix 1, the council's statement of case has been sent for all these appeals.
7. Five appeal decisions have been received, four dismissed and one allowed. The allowed appeal relates to units 4A, 3B and 3C Wherry Road (currently occupied by Bella Italia). The application related to retrospective advertisement consent for a number of adverts at the premises. A part approval, part refusal was issued under delegated powers. The refusal related solely to the main front fascia sign which spans the entire frontage. The building is in three bays separated by projecting brick pillars, the refusal was on the basis of the design as rather than have three signs set within each bay leaving the brick pillars exposed the sign spanned the entire frontage sitting in front of the brick pillars. The inspector noted a variety of signage in the area and considered the sign did not project excessively and therefore did not harm the character and appearance of the area and therefore the appeal was allowed.

8. Four appeals were dismissed, the first relates to 1 The Moorings a first floor extension which was refused by committee on the basis of the harm to the character and appearance of the conservation area. The inspector considered that the extension would not be unified and would clash awkwardly with the simplicity and uniformity of the wider terrace and that this would result in less than substantial harm to the conservation area which would not be outweighed by the benefits to the living space within the dwelling. As such the proposal was dismissed.
9. The second dismissal relates to a proposal for a 3 bed dwelling at 2 Upton Close. The site has consent granted by committee in 2013 for a smaller dwelling. This case for a larger dwelling was refused under delegated powers on the grounds that the proposal would have an overbearing impact on the neighbouring dwelling and that the proposal would have a blank and car dominated frontage which would be harmful to the street scene and character of the area. The inspector agreed that given the depth and scale of the dwelling that it would have an overbearing impact on the amenities of the neighbour dwelling. The inspector did not support the second ground for refusal that the proposals design and frontage would conflict with the character of the area. The appeal was won on the first ground for reasons of impact on the neighbouring dwelling and dismissed.
10. The third dismissal relates to a proposal for a new dwelling at The Hedgerows. The application was refused on the basis that it would create a cramped form of development inconsistent with the density and layout prevalent in the wider area. The inspector noted that there was a difference in character between the north and the south sides of Beloe Avenue with the north being predominately single storey dwellings and the south being two storey (the side of the application site). The inspector considered that the single storey dwelling would be out of kilter with the two storey dwellings, would close the gap between the adjacent properties and result in inconsistent plot sizes. The inspector considered that the single storey dwelling would still be visible from the road and landscaping could not be relied upon to screen the development and that the proposal would result in a cramped form of development on the site. For these reasons the appeal was dismissed.
11. The final dismissed appeal relates to a proposal for a single dwelling at 151A Magdalen Street. The application was refused under delegated powers on three grounds, firstly that the proposal will result in an inappropriate density taking into account the constraints of the site which would have negative implications for the amenity of existing residents and removing areas for servicing for existing residents. Secondly that the amenity of future occupiers of the proposed dwelling would not be sufficient with poor outlook and daylight and no external amenity space and finally that the site is in a critical drainage area and no information was provided to demonstrate how the site would affect or deal with surface water run-off. The inspector considered that the main issue was the amenity of future occupiers and considered that the proposed dwelling would have poor levels of natural light and an overbearing outlook. He did not consider the lack of external amenity space was a reason for objection given the central location. He considered that surface water drainage could be conditioned and that the density of the scheme was not of particular concern given the internal space standards were met and the urban location with varying density levels. The appeal was therefore dismissed on the basis of poor amenity to future residents which outweighed the benefit of a further dwelling in the area.

## **Enforcement action**

12. 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 3 (Pending on 31 December 2015) 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 Norwich NR5 8QQ	Refusal of planning permission for erection of 8 No. two bedroom flats.	14 April 2015	Written reps.	Pending
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	Pending
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

## Planning appeals allowed – Quarter 3 (Pending on 31 December 2015) 2015-16

<b>Application ref no</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>
15/00004/ADVT Application No. 15/00461/A	APP/G2625/Z/15/3129449	Units 4A, 3B And 3C Wherry Road, Norwich, NR1 1WZ	Refusal of advertisement consent for display of 2 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign.	4 August 2015	Written reps.	Allowed

## Planning appeals dismissed – Quarter 3 (Pending on 31 December 2015) 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00003/REF Application No. 15/00225/F	APP/G2625/D/15/3067535	1 The Moorings, Norwich, NR3 3AX	Refusal of planning permission for erection of single-storey extension at first floor level to side elevation with balconies.	15 July 2015	Householder	Dismissed
15/00006/REF Application No. 15/00250/F	APP/G2625/W/15/3039136	2 Upton Close, Norwich, NR4 7PD	Refusal of planning permission for erection of detached dwelling.	9 September 2015	Written reps.	Dismissed
15/00005/REF Application No. 14/01450/O	APP/G2625/W/15/3051157	16 & 17 The Hedgerows, Norwich, NR5 9BP	Refusal of planning permission for Outline application for erection of 1 No. bungalow	9 September 2015	Written reps.	Dismissed

**Appendix 1**

<b>Application ref no</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>
15/00007/REF Application No. 14/01716/F	APP/G2625/W/15/3062098	151A Magdalen Street Norwich NR3 1NF	Refusal of planning permission for erection of a single dwelling.	1 October 2015	Written reps.	Dismissed

## Enforcement action. Q3 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	<p>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.</p> <p>A meeting was held with the church and they indicated that plans for redevelopment of the site are being reconsidered, as insufficient funds were available to deliver the previously approved scheme on the site. Documentation with planning enforcement.</p>	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. A meeting was held with the planning service and the submission of an application to extend the time period for temporary use of the site is expected within the next couple of months, once a programme for redevelopment of Heartsease Lane site is confirmed.	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	No

Appendix 2

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
				works have been implemented and others are due in the 2016 planting season. The variation applications 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. A meeting is to be held shortly with the football club to discuss the ongoing issues and try to bring the matter to a close. Depending on the outcome of these discussions there may be a need to report the case back to committee.	
14/01660/F	114 Cambridge St	First floor rear extension	8 January, 2015	An appeal against the enforcement notice is current pending determination with the planning inspectorate (see appendix 1). No further action can be taken until this appeal is determined.	No
15/01382/F & 15/01859/F	Aldwych House 57 Bethel Street	Roof lights	29 October 2015	An enforcement notice has been issued following the refusal of retrospective rooflights under 15/01382/F, this is now being withdrawn and a revised enforcement notice being issued to require implementation of revised roof lights as approved by 15/01859/F at the 14 January committee meeting. This Notice was served on the 21 <sup>st</sup> January 2016.	No
14/00219/BPC /ENF	474 Earlham Road	Conversion of garage to separate dwelling	17 December 2015	Has enforcement notice been served yet? Still awaiting comment from NPLAW – chase email sent will serve by the close of next week (29 <sup>th</sup> January 2016).	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.