

Report to Planning applications committee

10 February 2022

Item

Report of Head of Planning & Regulatory Services

Subject Performance of the development management service;
progress on appeals against planning decisions and
updates on planning enforcement cases

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Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities people living well, great neighbourhoods, housing and environment and inclusive economy.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard, cabinet member for inclusive and sustainable growth

Contact officers

Sarah Ashurst, Head of Planning & Regulatory Services 01603 987856

David Parkin, Area Development Manager 01603 989517

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.
3. The last performance report was presented to committee in March 2021.
4. Since that date the COVID19 pandemic has continued to affect the pattern of the department's workload.

Performance of the development management service

5. The cabinet considers quarterly reports which measure the council's key performance targets 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.
6. This report covers the first 3 quarters of the year 2021/22 and only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
7. In Q1 of 2021-22, 198 of all relevant decisions (209) were made at officer level, 11 were made by committee (delegation rate of 95%).
8. For Q2 of 2021-22, 182 decisions out of 189 were dealt with by officers, 7 decisions were dealt with by committee (delegation rate of 96%).
9. For Q3 of 2021-22, 201 decisions out of 208 were dealt with by officers, 7 decisions were dealt with by committee (delegation rate of 97%).
10. For the year 2020-21, the delegation rate was 95%: given the figures above, the rate for 2021-22 is expected to be similar.

Appeals

11. There are currently 9 pending planning appeals as listed within Appendix 1 to this report.
12. Appendix 2 shows the appeals determined in the first 3 quarters of 2020/21. A total of 7 appeals were determined: 6 appeals have been dismissed; 1 was allowed. This equates to a success rate of 86% for the first 3 quarters.
13. The appeal that was allowed was against the Council's refusal of a scheme for 8 two-bedroomed flats on the site of the Vikings Venture Scout hut adjacent to 420 Dereham

Road. The application was refused due to the impact of the proposed development on highway safety and the living conditions of neighbouring occupiers, with particular regard to on-street parking and traffic generated.

14. The inspector concluded that there was no detailed evidence provided to support the reason for refusal and noted that the Local Highway Authority had not objected. They also noted that the development would provide an adequate level of off-street parking and there was no reason to conclude that the proposal would result in an increase in pressure for on-street parking on Dell Crescent.
15. An application for a full award of costs against the council was also successful with regard to this appeal. The inspector concluded that the council had acted unreasonably in two main respects: it had failed to give sufficient weight to a previous appeal scheme on the site for the same form of development (which had been allowed) and had failed to provide evidence to substantiate the reason for refusal.

Enforcement action

16. At the beginning of April 2021, the number of enforcement cases being dealt with by the department stood at 264. At the end of Q3, that number had increased by 96 to 360. During the first 3 quarters, 128 new cases were opened, and 49 cases were closed.
17. The reasons for closing the 49 cases are as follows:-
 - Notice complied with - 1 (2%)
 - Not expedient to pursue action - 16 (33%)
 - No breach has occurred - 16 (33%)
 - Informal action taken to resolve - 12 (24%)
 - Planning application approved - 4 (10%)
18. Notices issued (enforcement, breach of condition and planning contravention) are shown in the table at Appendix 3 for the first 3 quarters of 2020/21.

Appendix 1 – Pending Planning Appeals

| Pending Planning Appeals and Recent Appeal Decisions | | | | | | | | |
|--|--------------------------------|---|--|----------------|------------|----------|----------------|--------------------|
| Application Ref. | PINS Ref. | Address | Proposal | Type of Appeal | Start Date | Decision | Decision Level | Officer |
| 21/00005/REF App. No. 20/00808/F | APP/G2625/ W/21/327482 4 | Norwich School Refectory, The Close | Demolition of the existing school dining hall, ad hoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities. | Written Reps | 14.09.2021 | | Committee | Lara Emerson |
| 21/00006/REF App. No. 20/00809/L | APP/G2625/Y /21/3274825 | Norwich School Refectory, The Close | Associated listed building appeal for Norwich School Refectory | Written Reps | 14.09.2021 | | Committee | Lara Emerson |
| 21/00007/REF App No 20/00838/F | APP/G2625/ W/21/327521 4 | St Vedast House 5 - 7 St Vedast Street | Installation of 6no. antenna apertures, 4no. 600mm dishes, 8no. equipment cabinets at rooftop level with the installation of 1no. meter cabinet | Written Reps | 15.09.2021 | | Delegated | Jacob Revell |
| 21/00008/REF App No 20/01387/F | APP/G2625/ W/21/327686 3 | Ailwyn Hall Lower Clarence Road | Demolition of derelict structure and construction of hotel, ground floor unit (Class E) with associated works. | Written Reps | 03.11.2021 | | Delegated | Robert Webb |
| 21/00009/ENFPLA App No 19/00177/ENF | APP/G2625/C /21/3277140 | 16 Rydal Close | Appeal against Enforcement Notice Reference 19/00177/ENF No.2 dated 26 May 2021 for the change of use from residential (Class C3) / HMO (Class C4) use to residential sui generis use at 16 Rydal Close without planning permission. | Written Reps | 08.07.2021 | | Delegated | Stephen Little |
| 21/00010/REF App No. 21/00250/F | APP/G2625/ W/21/327718 0 | 46 Earlham Green Lane | Change of use from C3 to Sui Generis (7 bedroom HMO) with garage conversion, extension to garage conversion and extension link from main house to garage conversion. | Written Reps | 30.11.2021 | | Delegated | Maria Hammond |
| 21/00011/REF App No. 21/00277/F | APP/G2625/D /21/3281352 | 1 Fairmile Close | Two storey rear extension, single storey side extension and attached garage to front. | Written Reps | 27.10.2021 | | Committee | Katherine Brumpton |

Pending Planning Appeals and Recent Appeal Decisions

| Application Ref. | PINS Ref. | Address | Proposal | Type of Appeal | Start Date | Decision | Decision Level | Officer |
|---|----------------------------|--------------------------------|--|----------------|------------|----------|----------------|--------------|
| 21/00013/NONDET App. No. 21/00212/F | APP/G2625/W/ 21/3282292 | Earlham Court Heigham Grove | Appeal for non-determination of application for Two storey upward extension to create 8 new flats. | Written Reps | 19.01.2022 | | Delegated | Lee Cook |
| 22/00001/REF App. No. 21/00969/F | APP/G2625/D/ 21/3289778 | 1C Telegraph Lane East | Demolition of existing living room and garage and construction of two storey side extension. | Written Reps | 10.01.2022 | | Delegated | Danni Howard |

Appendix 2 – Determined Planning Appeals

| Appeal Decisions | | | | | | | | |
|--|--------------------------------|---|---|----------------|---------------|-----------|----------------|-------------------|
| Application Ref. | PINS Ref. | Address | Proposal | Type of Appeal | Decision Date | Decision | Decision Level | Officer |
| 19/00016/ENFPLA Application No. 18/00149/ENF | APP/G2625/C /19/3233542 | 8 Marston Lane | Appeal against Enforcement Notice Reference 18/00149/ENF No.1 dated 11 June 2019 for the erection of a fence of more than 1m in height | Written reps | 06.07.2021 | Dismissed | Delegated | Stephen Little |
| 20/00007/TA1 Application No. 20/00240/TPO | APP/TPO/G2 625/7874 | The Plantation Christchurch Road | Corsica Pine (G1): fell and replant replacement tree(s). | Fast track | 19.05.2021 | Dismissed | Delegated | Mark Dunthorne |
| 20/00015/REF App No 20/00557/F | APP/G2625/ W/20/326069 1 | Land Rear Of 196 Earlham Road | Construction of double garage. | Written reps | 23.04.2021 | Dismissed | Delegated | Stephen Polley |
| 21/00001/REF App No 20/00785/F | APP/G2625/ W/21/326709 2 | Land North East Of Shoemaker Court Enfield Road | Extension to The Shoemakers forming new student accommodation. | Written reps | 05.10.2021 | Dismissed | Delegated | Maria Hammond |
| 21/00002/REF App No 20/01232/F | APP/G2625/ W/21/326863 6 | Vikings Venture Scout Hut Adjacent To 420 Dereham Road | Construction of 8 No. two bedroom flats. | Written reps | 18.08.2021 | Allowed | Committee | Lee Cook |
| 21/00003/REF App No. 20/01533/F | APP/G2625/D /21/3270224 | 34 Hall Road | Dropped kerb for driveway access. | Written reps | 15.06.2021 | Dismissed | Delegated | Stephen Polley |
| 21/00004/REF App No. 20/01410/F | APP/G2625/ W/21/327209 5 | 3 Guardian Road | Construction of dwelling. | Written reps | 15.09.2021 | Dismissed | Delegated | Maria Hammond |

Appendix 3 – Enforcement Action Update

| Enforcement Update | | | | |
|--------------------|-------------------------------------|--|--|----------------|
| Case Ref. | Location | Development | Current Status | Lead Officer |
| 20/00149/ENF | 367 Aylsham Road | Breach of Condition 4 of 19/01796/F limiting occupancy of flat to people employed at the ground floor business | PCN served 29.07.2021. Case on-going. | Stephen Little |
| 21/00174/ENF | 1 Exeter St | Possible use of land for general industrial use in association with Midland St site | PCN served 27.10.2021. Response received. Case under review | Stephen Little |
| 21/00108/ENF | Land south of 144-148 Thorpe Road | Construction of bungalow under 20/00180/F | Breach of condition notice served 29.07.2021. Felling of trees in bird nesting season in breach of condition 7. Notice complied with | Stephen Little |
| 20/00088/ENF | 48 & 50 St Philips Road | Unauthorised use as short term lets. | 2 x Planning contravention notices served on different parties on 29.06.2021. Case under review – breach appears to have ceased | Stephen Little |
| 20/00077/ENF | Eaton Railway Crossing, Church Lane | Possible change of use of land adjacent to Eaton Common to commercial operation. | PCN served 29.06.2021. Case subsequently closed. Any commercial use is de minimus and not expedient to pursue. | Stephen Little |
| 19/00177/ENF | 16 Rydal Close | Operating as 7 bed HMO (following refusal of 15/00075/U). | Enforcement notice served 26.05.2021. Appeal ongoing (see Appendix 1) | Stephen Little |
| 21/00039/ENF | 3 Recorder Road | Use of church as living quarters | PCN served 07.06.2021. Case subsequently closed, the unauthorised use had ceased. | Stephen Little |

Enforcement Update

| Case Ref. | Location | Development | Current Status | Lead Officer |
|------------------|---------------------------------|---------------------------------------|--|---------------------|
| 20/00019/ENF | 66 & 67 Whistlefish Court | Unauthorised HMO. | 2 x PCN served on different parties dated 07.04.2021. Case consequently closed as no breach was identified. The number of occupants at each property did not require planning permission. | Stephen Little |
| 19/00113/ENF | 6 Old Grove Court | Conversion of garage into dwelling | PCN served 07.04.2021. The case was subsequently closed as the garage was not being used as a dwelling. Whilst as a structure it required consent, it was deemed to be acceptable and not expedient to pursue formal enforcement action. | Stephen Little |