

approved in September 2013 by both Planning Committee and Full Council. This policy is supported by a set of customer service standards, priorities for action, and is supplemented by agreed office procedures.

4.0 Caseload and progress

4.1 94 new enforcement enquiries were investigated between April and June 2014, which is significantly higher than for most quarters.

4.2 A total of 81 cases were concluded in the quarter, of which well over half resulted in compliance with the Council's requirements or were given conditional planning permission, and over 20% were closed as a result of no breach in planning regulations taking place or being proven.

4.3 In all, a total of 151 different planning investigations were worked on between April and June 2014. 85 cases remain under investigation.

4.4 The following identifies some of the areas of work undertaken during the quarter, excluding specific cases identified in Appendix 2, or in section 5.0 below:

- Following enquiries received, the City Council's archaeologist and planning enforcement officer have been working closely with the developers to ensure protection of the archaeology at Newark Farm.
- Development sites being monitored include land off Awebridge Way (establishment of wildlife corridor), and the former Contract Chemical site on Bristol Road (operational hours and on-site burning controlled by planning condition).
- A total of 36 unauthorised advertisements have been removed from highways and other public land.

5.0 Formal action

5.1 When the Council's requirements are not met, following a reasonable time period to comply, and where the breach is considered to be serious, then formal action will be taken to remedy a planning breach. This usually involves some or all of the following:

- Service of a Notice
- Prosecution
- Works undertaken and re-charged to the landowner (works in default)

5.2 Appendix 2 identifies those cases where a Notice has been served or was in force at 1st July 2014, showing progress against stated requirements. 6 new Notices were served between April and June 2014, with 7 Notices complied with in the same period. 11 Notices are awaiting compliance, with the following Notice the subject of an enforcement appeal:

- Unit 4, 151 Bristol Road - Unauthorised change of use from storage unit to car repairs

5.3 Direct action was undertaken during the quarter in respect of the following:

- 130 Barton Street – boarded and broken windows replaced with new windows, and building repainted
- Bybrook Gardens – untidy land cleared, and weed mat put down and covered with chippings

The costs of these works are normally charged to the owner, and in all cases will remain as a charge (with interest) against the property until such time as it is paid.

6.0 Alternative Options Considered

- 6.1 This report is for information only, and therefore the consideration of other options is not relevant.

7.0 Reasons for Recommendations

- 7.1 To give Members the opportunity to scrutinise the work of the planning enforcement team, be aware of individual cases, and have the opportunity to ask any questions or raise any other matters of interest.

8.0 Future Work and Conclusions

- 8.1 The Planning Enforcement team currently has 85 cases under investigation, and will receive further enquiries during the July to September 2014 quarter, working to try to resolve or meet a satisfactory outcome on as many of these cases as possible.
- 8.2 Two further cases will be heard at the Magistrates Court during the quarter.
- 8.3 Following the planning enforcement team's move into Public Protection Housing, a review of working practices will continue to see what areas for improvement or efficiencies exist.

9.0 Financial Implications

- 9.1 The cost to the Council is officer time which includes legal officer's time, in carrying out enforcement duties. Where direct action is taken the costs of any works is derived from recovered court costs and other monies reclaimed through the direct action. As there is no allocated budget for these works, the scope of direct action is limited. Financial Services have been consulted in the preparation this report.

10.0 Legal Implications

- 10.1 The Council has a range of powers available to it to enforce breaches of planning legislation. These powers are supplemented by the policies and procedures adopted by the Council, which are followed when dealing with potential breaches. Having adopted policies and procedures for planning enforcement helps to

minimize the risk of Judicial Review and maladministration complaints and ensures that appropriate enforcement action is taken. Whilst prosecution is an option open to the Council, it isn't always the most cost effective method of enforcement, and it may not necessarily lead to a planning breach being remedied; it can often only lead to the securing of a conviction. Direct action is a last resort, but is necessary in some circumstances, and often more cost effective. Legal Services have been consulted in the preparation this report.

11.0 Risk & Opportunity Management Implications

11.1 There is no risk to the authority connected with this report, as it is for information only

12.0 People Impact Assessment (PIA):

12.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion in this report

13.0 Other Corporate Implications

13.1 It is considered that there are no other corporate implications not already covered within the report

Background Documents: None

APPENDIX 1 –ENFORCEMENT ACTIVITY

	2010 TOT	2011 TOT	2012 TOT	2013 TOT	JAN- MAR 2014	APR- JUNE 2014	JULY- SEPT 2014	OCT- DEC 2014	2014 TOT
NEW ENQUIRIES RECEIVED	303	287	314	308	45	94			139
TYPE OF BREACH (New enquiries):									
Operational development	57	95	94	98	14	24			38
Breach of Condition	33	27	28	31	4	15			19
Unauthorised change of use	66	68	60	70	14	17			31
Works affecting a Listed Building	2	5	9	9	3	1			4
Unauthorised advertisement	92	62	94	40	4	18			22
Section 215 (Untidy land / property)	45	24	21	41	4	17			21
General Amenity Tree Preservation Order	0	4	2	1	0	0			0
Conservation Area	1	0	1	0	0	0			0
Not Planning Enforcement	7	2	4	16	2	2			4
	0	0	1	2	0	0			0
PROGRESS:									
Total cases worked on in qtr				421	160	151			421
Unresolved at qtr end	140	88	123	112	72	85			72
<i>Total Notices issued</i>	19	17	23	23	8	6			14
<i>Total prosecutions</i>	7	5	1	3	3	0			3
<i>Total cases closed</i>	272	338	280	319	85	81			166
REASON FOR CASE CLOSURE:									
No evidence of breach	80	100	82	107	18	19			37
No further action taken	47	68	37	59	16	17			33
Complied with Retrospective Planning Permission given	126	153	140	116	37	35			72
Other Powers Used	17	17	21	37	11	9			20
					3	1			4

APPENDIX 2 – NOTICES IN EFFECT – 1st JULY 2014

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
<i>Land adjacent Edison Close</i>	<i>Unauthorised oversized 'stilted' advertisement board</i>	<i>S225A (Advertisement Display) Removal Notice</i>	<i>Removed</i>
<i>Coney Hill Rugby Club – Hot Food Van</i>	<i>Unauthorised stationing of a mobile hot food vending van</i>	<i>Enforcement Notice</i>	<i>Retrospective planning consent given (on appeal).</i>
<i>5 Albion Street</i>	<i>Unauthorised satellite dish in Southgate Street Conservation Area</i>	<i>Enforcement Notice</i>	<i>Removed</i>
<i>Lock Warehouse</i>	<i>Unauthorised signage, including gable end banners, and removal of glazing units</i>	<i>Listed Buildings Enforcement Notice</i>	<i>Signage removed, and glazing unit reinstated</i>
<i>IntoPlay, 24 Llanthony Road</i>	<i>Failure to comply with planning condition requiring 'stopping up' of access and reinstatement of grass verge</i>	<i>Enforcement Notice</i>	<i>Notice withdrawn as planning permission given for a substantially similar scheme</i>
<i>87 Ryecroft Street</i>	<i>Untidy land, works required to complete building and enclose land</i>	<i>S215 Notice</i>	<i>Works completed as required</i>
<i>130 Barton Street</i>	<i>Building boarded up and in (external) state of disrepair within Barton Street Conservation Area</i>	<i>S215 Notice</i>	<i>Works undertaken in default by Council.</i>

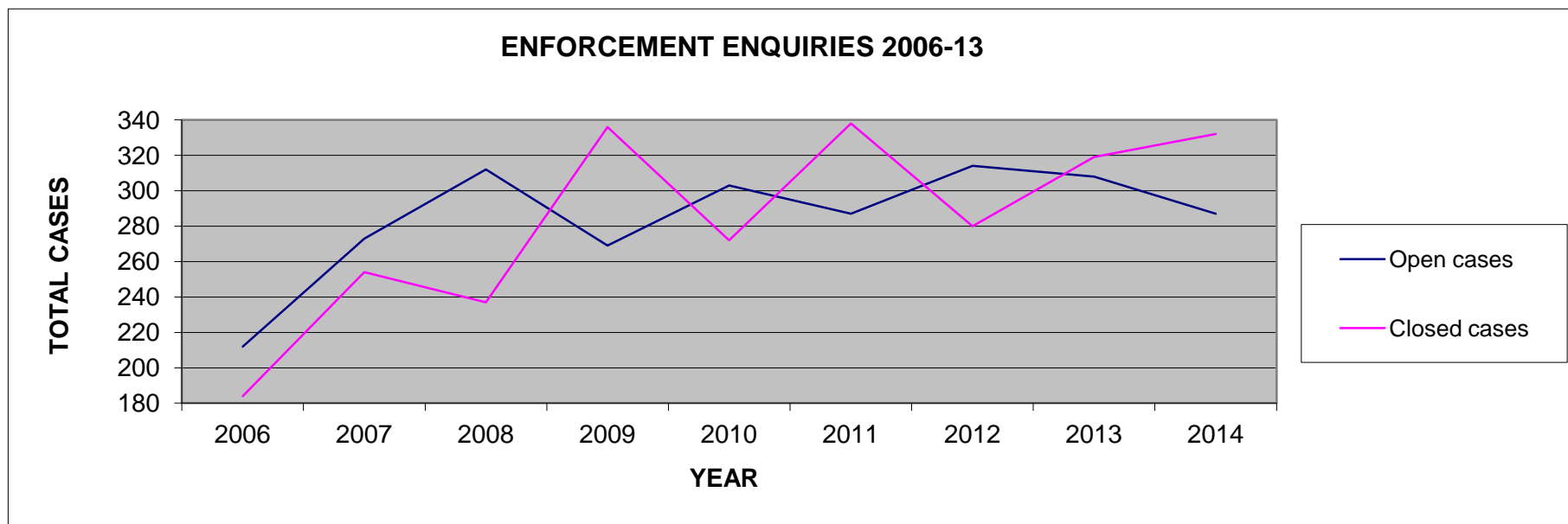
ADDRESS	BREACH	TYPE OF NOTICE	STATUS
47-49 Worcester Street	Unauthorised changes to windows and door (within the Worcester Street Conservation Area) – UPVC replacements	Enforcement Notice	Replacement scheme agreed with Conservation, awaiting implementation
55 Worcester Street	Unauthorised changes to shopfront including installation of roller shutters (within the Worcester Street Conservation Area)	Enforcement Notice	Notice re-issued requiring approved details to be implemented.
151 Bristol Road	Unauthorised change of use from storage unit to car repairs	Enforcement Notice	Appeal against Notice currently under way
4 Glencairn Avenue	Overgrown garden	S215 Notice	Some works undertaken, owner has contractor arranged for August to complete
Manor Farm, Kingsway	Change of use from barns to offices, unauthorised enclosures (Scheduled Ancient Monument)	Enforcement Notice	Application under consideration to retain use and works undertaken (further unauthorised works undertaken to create access).
35 London Road	Unauthorised changes to shopfront	Enforcement Notice	Works not undertaken – legal action pending

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
138 Stroud Road	Unauthorised changes to shopfront works	Enforcement Notice	Retrospective planning application refused, works not undertaken, legal action pending
PictureDrome, 162-170 Barton Street	Removal of historic features, including raked floor, theatre seating, heating system and box room. (Grade II Listed Building)	Listed Building Enforcement Notice	New lessee drawing up renovation plans which should address unauthorised changes / repair damage.
21 Stroud Road (Hay House)	Works undertaken not in compliance with permission and in breach of a number of conditions – relating to design features, materials and finishings	Enforcement Notice	Works schedule and timetable agreed with owner and City Council's Urban Design, Conservation and Planning teams. These works nearing completion.
97 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Alternative scheme given planning approval, awaiting implementation.
122 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Alternative scheme given planning approval, awaiting implementation.

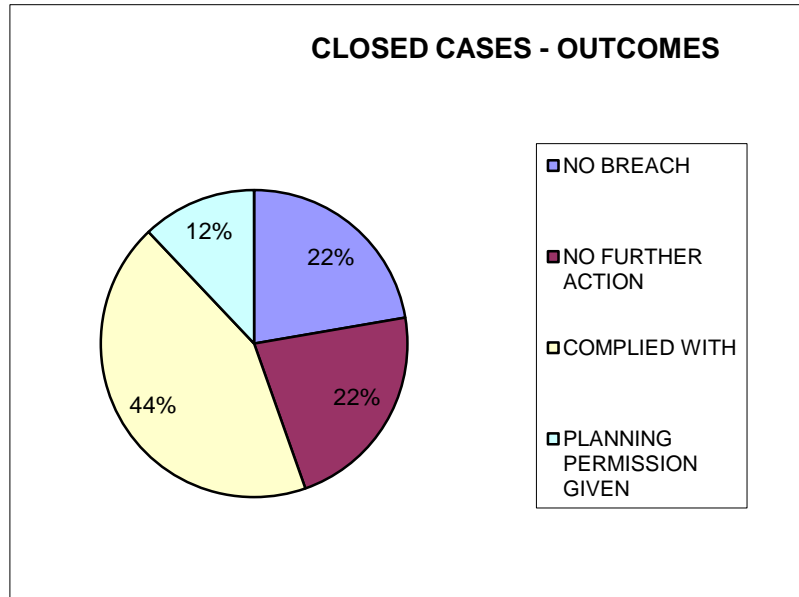
Notices in bold served within April to June 2014 quarter -

Notices in italics have been complied with or otherwise concluded during April to June 2014 quarter

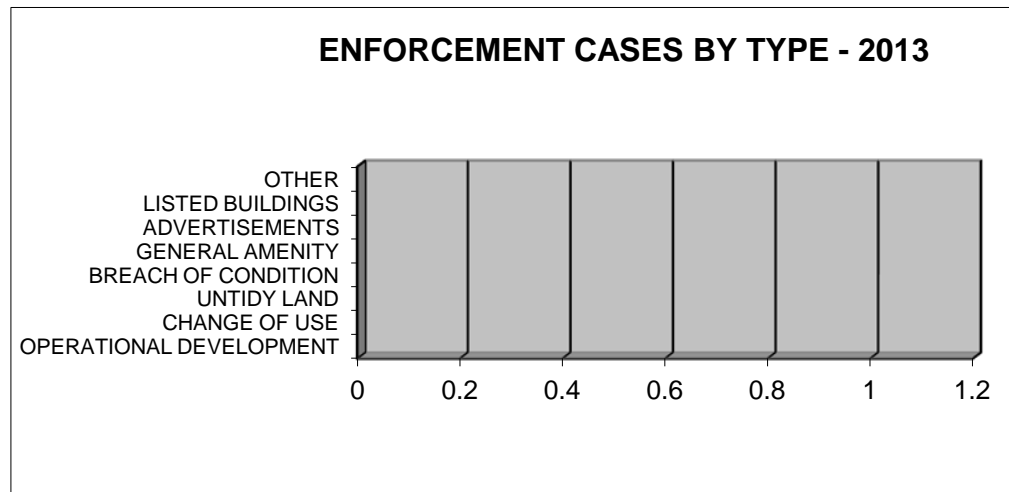
Year	Open cases	Closed cases
2006	212	184
2007	273	254
2008	312	237
2009	269	336
2010	303	272
2011	287	338
2012	314	280
2013	308	319
2014	287	332



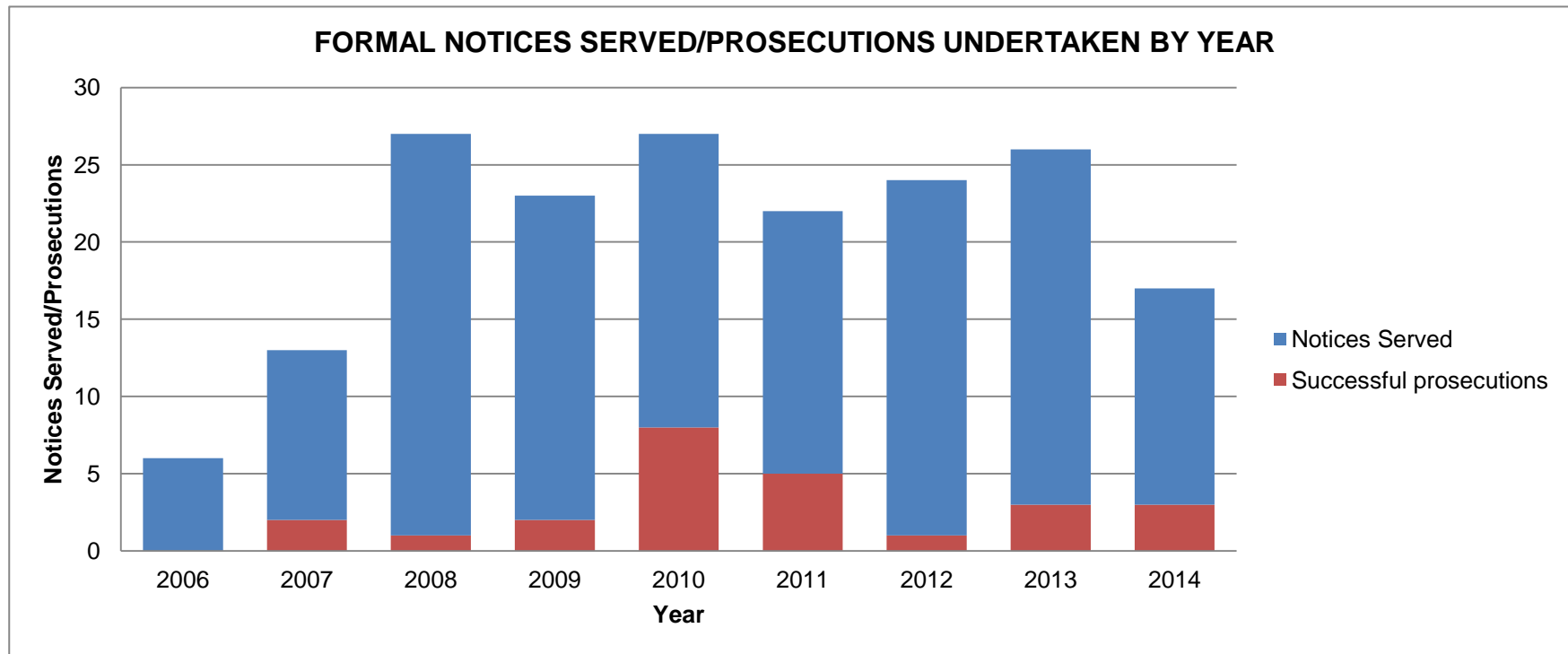
37 NO BREACH
 37 NO FURTHER ACTION
 72 COMPLIED WITH
 20 PLANNING PERMISSION GIVEN



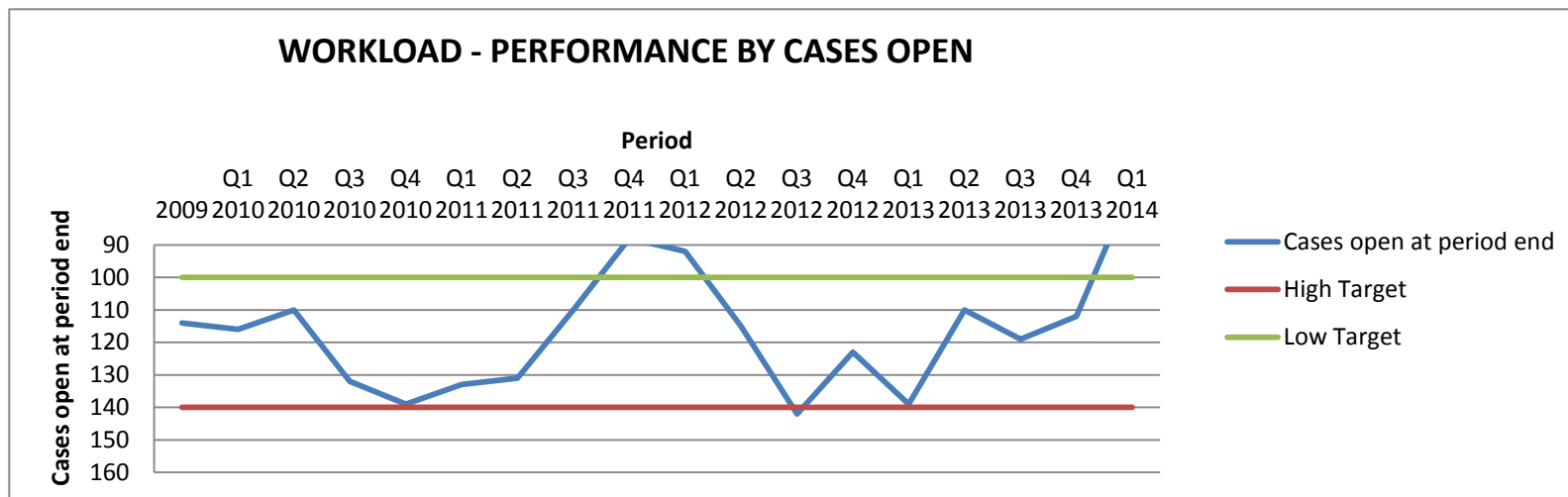
OPERATIONAL DEVELOPMENT
 CHANGE OF USE
 UNTIDY LAND
 BREACH OF CONDITION
 GENERAL AMENITY
 ADVERTISEMENTS
 LISTED BUILDINGS
 OTHER



Year	Notices Served	Successful prosecutions
2006	6	0
2007	11	2
2008	26	1
2009	21	2
2010	19	8
2011	17	5
2012	23	1
2013	23	3
2014	14	3



Period	Cases open at period end	High Target	Low Target
2008	182	140	100
2009	114	140	100
Q1 2010	116	140	100
Q2 2010	110	140	100
Q3 2010	132	140	100
Q4 2010	139	140	100
Q1 2011	133	140	100
Q2 2011	131	140	100
Q3 2011	110	140	100
Q4 2011	88	140	100
Q1 2012	92	140	100
Q2 2012	115	140	100
Q3 2012	142	140	100
Q4 2012	123	140	100
Q1 2013	139	140	100
Q2 2013	110	140	100
Q3 2013	119	140	100
Q4 2013	112	140	100
Q1 2014	72	140	100



Cases worked on in quarter

	New cases opened	Cases predating qtr but still open	Cases predating qtr and closed after qtr	Complaints closed in QTR	Complaints opened and closed in qtr (remove double counting)	TOTAL cases worked on in qtr	
Q1 2013		70	69	11	54	11	193
Q2 2013		77	60	0	106	27	216
Q3 2013		85	56	7	76	29	195
Q4 2013		76	49	3	83	25	186
2013 YEAR		308	22	1	319	229	421
Q1 2014		45	46	0	85	16	160
Q2 2014		94	28	2	81	54	151