

Meeting:	PLANNING COMMITTEE - 3rd FEBRUARY 2015	
Subject:	PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (OCTOBER to DECEMBER 2014), AND 2014 ANNUAL REVIEW	
Report Of:	ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER	
Wards Affected:	ALL	
Key Decision:	No	Budget/Policy Framework: No
Contact Officer:	ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER	
	Email: andy.birchley@gloucester.gov.uk	Tel: 396774
Appendices:	1. SUMMARY OF ENFORCEMENT ACTIVITY 2. NOTICES IN EFFECT AT 1st JANUARY 2015	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To identify the level and nature of enforcement activity undertaken by the Planning Enforcement team between October and December 2014
- 1.2 To provide an update on formal action being taken against more serious planning breaches, including the results of legal actions undertaken.
- 1.3 To provide a review of the planning enforcement service during 2014

2.0 Recommendations

- 2.1 Planning Committee is asked to RESOLVE, subject to any questions or issues arising, that progress be noted.

3.0 Background and Key Issues

- 3.1 Gloucester City Council's Planning Enforcement function is based in the Private Sector Housing team, and is part of the Council's Public Protection Service. The team is made up one full time Enforcement Officer, and a Senior Planning Compliance Officer, and also involves the monitoring of Section 106 legal (planning) agreements.
- 3.2 The team operates according to the provisions of the Planning Enforcement Plan, approved in September 2013 by both Gloucester City 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 80 new enforcement enquiries were investigated between October and December 2014, and in total 284 during the year as a whole. This is consistent with previous years; total new investigations usually being close to or over 300 per annum
- 4.2 A total of 76 investigations were concluded in the quarter, and 294 in total during 2014. The majority of cases have resulted in compliance with the Council's requirements, or alteration/agreement of details following negotiation, submission and (conditional) approval of a retrospective planning application. The Council's pre-application service has been valuable in bringing parties together to discuss issues, and seek resolution.
- 4.3 In all, a total of 178 different planning investigations were worked on between October and December 2014, and 396 during the year as a whole. Some of these relate to cases opened prior to 2014, the vast majority of which have now been concluded. 102 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:
- Unauthorised signs have been removed from Highways land (including on traffic light posts and barriers) at 48 separate locations between October and December, and 98 locations during 2014 as a whole. This work is in addition to, and does not form part of, the investigations identified above (with the exception of flyposting cases).
 - Following reports of works being undertaken to the shopfront at 117-119 Westgate Street (former Keelings Newsagents) – a Grade II Listed Building – officers visited the premises and ensured works ceased immediately, under formal caution. Fortunately most of the historic shopfront remains in place, and the owners have agreed to fully reinstate those parts removed. Planning enforcement officers are monitoring to ensure these works are undertaken, and if not formal (legal) enforcement action will be considered.
 - Despite advertisement consent being given at 5A Hopewell Street (Win Discount Carpet Shop), subject to control over the hours the business can illuminate its signage, this condition appears to have been ignored, and is subject to enforcement action.
 - Works to build a dwelling have commenced at Cherry Tree Cottage, off Stamps Meadow. While planning permission is in place, a number of conditions have not yet been observed, and there also some differences from the approved plan. The owner and developer have been approached, and officers are awaiting responses or agreed actions from the owner.
 - There have been a number of enquiries concerning works at the Wotton Hall Club, and the adjacent former Barnwood Builders site (to build a supermarket). These include complaints about the extraction details for the new restaurant, and operational hours, all of which have now been resolved.
 - There have been enquiries concerning the provision of a number of landscaping schemes within the City. With the planting season (for trees, hedgerow, bushes etc) usually between November and March, the team has been working with developers

and landowners to ensure that required landscaping schemes are or will be in place over the next couple of months.

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 merit action in the public interest, then formal action will be pursued 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 January 2015, showing progress against the Council's stated requirements. 9 new Notices were served between October and December 2014, with 6 Notices complied with in the same period. 18 Notices are currently awaiting compliance.

5.3 A total of 29 new Notices were issued during 2014, the highest number since recording began in 2006. In part this is due to a concerted attempt by officers to conclude some of the more problematic (and longer standing) planning breaches by assertively setting out the Council's requirements, following breakdown of negotiations. There is also speculation that some developers are becoming more confident in the light of relaxed planning regulations, and are either misinterpreting or disregarding planning requirements, to their advantage. This can be a costly mistake, as the Council will become aware of any significant breaches, and take firm and proportionate action as necessary.

5.4 The following Notice has been the subject of an enforcement appeal, since March 2014, and is awaiting a determination by the Planning Inspectorate:

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

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

- 4 Glencairn Avenue - untidy garden cleared.

Direct action has been taken to remove planning breaches at 12 separate locations during 2014 (excluding advertisements removed as described in section 4.4). Many of these relate to the clearance of untidy or overgrown land, mostly domestic gardens. The costs of these works are usually 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 102 cases under investigation, and will receive further enquiries during the January to March 2015 quarter, working to try to resolve or meet a satisfactory outcome in as many of these cases as possible.
- 8.2 The team has been working closely with Customer Services to provide more information on the Council's webpage, and to advise front line staff on where to direct certain common enquiries received by the team. It is envisaged that this will result in less non planning enforcement issues being received by the team, and also better and more information being provided by the public at the point of enquiry, which will assist officers in their investigations.
- 8.3 The review of working practices continues. Where any of the proposed changes vary from the approach approved by the Planning Enforcement Policy, they will be brought to committee for members' consideration.

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 are sought from those responsible for the breach, and remain as a charge against the land until such time as it is paid. Financial Services have been consulted in the preparation of 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 is often more cost effective. Legal Services have been consulted in the preparation of 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