

Meeting:	PLANNING COMMITTEE – 9th June 2015		
Subject:	PLANNING ENFORCEMENT QUARTERLY PROGRESS REPORT (JANUARY to MARCH 2015)		
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		
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Appendices:	1. SUMMARY OF ENFORCEMENT ACTIVITY 2. NOTICES IN EFFECT AT 1st APRIL 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 January and March 2015
- 1.2 To provide an update on formal action being taken against more serious planning breaches, including the results of legal actions undertaken.

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 70 new enforcement enquiries were investigated between January and March 2015. This does not include numerous general enquiries that do not need or warrant formal investigation, or other actions that are taken, such as removing unauthorised signage from the highway.
- 4.2 A total of 64 investigations were concluded in the quarter. In all, a total of 166 different planning investigations were worked on. 108 cases remain under investigation.
- 4.3 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:
- An abnormally high number of allegations concerning unauthorised changes of use of land or property were reported and investigated during the quarter. These are typically more time consuming and take longer to conclude, as they require monitoring over a period of time to build up evidence, as opposed to operational development breaches which are normally self evident.
 - There has also been an unusually high number of land encroachments during the quarter, some of which are also a breach of planning regulations in terms of the use of the land or any buildings erected upon it. The enforcement team have been working closely with Gloucestershire Highways, and in particular the City Council's Asset Management, to agree the best approach to these types of issues, and seek accurate surveyed plans as supporting evidence for any enforcement action.
 - The enforcement team have been working closely with the newly formed ONELegal on a number of planning issues and to date the new arrangements have been working well.
 - There remains a number of planning breaches in connection with Manor Farm at Kingsway, which the development control and planning enforcement teams have been addressing with the owners.
 - The Enforcement team has been working closely with landowners in Podsmead regarding a number of concerns raised in connection with the landscape buffers and bunds designed to visually and acoustically separate the industrial and residential areas. Following approaches from the team the landscape buffer between the British Gas site and residents of Betjeman Close has now been planted. Officers are also in discussions with occupiers of a neighbouring site where vegetation has been removed and the bund significantly reduced.
 - The Enforcement team has also been working closely with the Police's wildlife officer in connection with destruction of habitat at land in Hempsted.
 - The team continues to work with a number of developers across sites within the City where the housing has been completed without the requisite landscaping, public open space and play area schemes being fully implemented.

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 April 2015, showing progress against the Council's stated requirements. 1 new Notice was served between January and March 2015, with 9 Notices complied with in the same period. 10 Notices are currently awaiting compliance.

5.3 The following Notice was the subject of an enforcement appeal, which has now been determined by the Planning Inspectorate, in the Council's favour:

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

While the use has now ceased, there are outstanding works to be done to the building to return it to its condition prior to unauthorised development taking place.

- No other Notices served are subject to appeal

5.4 Direct action was undertaken during the quarter in respect of the following untidy land, by a Council appointed contractor, following non compliance with a s215 Notice:

- 72 Alma Place
- 107 Cheltenham Road
- 71 Nine Elms Road
- 51 Salisbury Road

There has been a concerted effort to undertake works this quarter before spring growth makes the condition of the land even worse, increasing the amount of works required and the costs involved. These costs are usually charged to the owner, but 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 108 cases under investigation, and will receive further enquiries during the April to June 2015 quarter, working to try to resolve or meet a satisfactory outcome in as many of these cases as possible.
- 8.2 In addition to supporting the Council's Conservation team with the Southgate Street Townscape Heritage Initiative, the enforcement team will also be working alongside colleagues in the Council's Private Sector Housing team in pro-actively identifying and addressing housing standards and overcrowding issues.
- 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

APPENDIX 1 –ENFORCEMENT ACTIVITY

	2011 TOT	2012 TOT	2013 TOT	2014 TOT	JAN- MAR 2015	APR- JUNE 2015	JULY- SEPT 2015	OCT- DEC 2015	2015 TOT
NEW ENQUIRIES RECEIVED	287	314	308	284	70				
TYPE OF BREACH (New enquiries):									
Operational development	95	94	98	88	22				
Breach of Condition	27	28	31	31	6				
Unauthorised change of use	68	60	70	60	28				
Works affecting a Listed Building	5	9	9	6	0				
Unauthorised advertisement	62	94	40	50	8				
Section 215 (Untidy land / property)	24	21	41	43	5				
General Amenity	4	2	1	0	0				
Tree Preservation Order	0	1	0	0	0				
Conservation Area	2	4	16	6	1				
Not Planning Enforcement	0	1	2	0	0				
PROGRESS:									
Total cases worked on in qtr			421	396	166				
Unresolved at qtr end	88	123	112	102	108				
<i>Total Notices issued</i>	17	23	23	29	1				
<i>Total prosecutions</i>	5	1	3	3	0				
<i>Total cases closed</i>	338	280	319	294	64				
REASON FOR CASE CLOSURE:									
No evidence of breach	100	82	107	73	22				
No further action taken	68	37	59	54	11				
Complied with	153	140	116	127	27				
Retrospective Planning Permission given	17	21	37	35	4				
Other Powers Used				5	0				

APPENDIX 2 – NOTICES IN EFFECT – 1st APRIL 2015

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
15 The Moat, Quedgeley	Overgrown and untidy rear garden	S215 Notice	Deadline for completing works not yet reached
72 Alma Place	Overgrown and untidy back garden	S215 Notice	Gardens now tidied through council organised works – costs being recovered from owner
71 Nine Elms Road	Untidy front and rear gardens, collapsed fences and abandoned car	S215 Notice	Gardens now tidied through council organised works – referred to ONELegal to recover cost from owner for this and previous works undertaken
Manor Farm, Kingsway Local Centre and environs	Unauthorised stationing/operation of hot food vending van on Scheduled Ancient Monument / within setting of Listed Building	Enforcement Notice (material change of use)	Van ceased operating
37-39 Worcester Street (Tanner Hall Scheduled Ancient Monument)	Unauthorised display of vehicles for sale, including signage	Enforcement Notice (material change of use)	Car sales now ceased at this location

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
<i>76 Oxford Road</i>	<i>Overgrown and untidy front and rear gardens</i>	<i>S215 Notice</i>	<i>Owner has cleared untidy gardens to satisfaction of the Council</i>
<i>51 Salisbury Road</i>	<i>Overgrown and untidy rear garden</i>	<i>S215 Notice</i>	<i>Gardens now tidied through council organised works – costs being recovered from owner</i>
<i>107 Cheltenham Road</i>	<i>Untidy garden</i>	<i>S215 Notice</i>	<i>Some but not all works have been undertaken. Remaining works undertaken by council arranged contractor - – costs being recovered from owner</i>
<i>Former GLOSCAT, Brunswick Road</i>	<i>Works/deliveries taking place outside permitted hours</i>	<i>Breach of Conditions Notice</i>	<i>No further breaches witnessed (confirmed by local residents). Media site works now complete (origin of complaint)</i>
<i>138 Stroud Road</i>	<i>Unauthorised changes to shopfront works</i>	<i>Enforcement Notice</i>	<i>Works undertaken to satisfaction of Council</i>

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
Former 26 Worcester Street (demolished building)	Demolition (on a prominent City Centre junction within the Conservation Area) was granted subject to landscape/screening that has never been implemented, leaving this highly visible area looking untidy.	S215 Notice	Consent given for temporary boarding screened with heritage images to improve its appearance. Almost all boarding in place, images to be applied in the coming weeks.
Land adjacent to Gospel Hall, Matson	Field not reinstated to previous condition (including levels) following use as a works compound	Enforcement Notice	Further action pending the outcome of a planning application received, proposing sports pitches on the land
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. Works mostly undertaken, issue remains with finishing of first floor elevation (plastic not render)
151 Bristol Road	Unauthorised change of use from storage unit to car repairs	Enforcement Notice (Material Change of Use)	Appeal successfully defended and occupiers have now vacated building. Works to restore access remain outstanding.

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
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	Owner and business tenant have agreed to undertake works by the end of May 2015 or legal action considered.
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	Discussions under way with owners
21 Stroud Road (Hay House)	Works undertaken are not in compliance with planning permission given, and in breach of a number of conditions – mostly relating to design features, materials and finishings	Enforcement Notice	Most works have now been completed in accordance with agreed details. Awaiting installation of gates and repairs to louvres
122 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Works due to start

Notices in bold served within January to March 2015 quarter

Notices in italics have been complied with or otherwise concluded during January to March quarter