

# CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Planning Committee                      DATE: 03/06/15

WARDS: ALL

## **PLANNING ENFORCEMENT REPORT SIX MONTHLY UPDATE**

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SUMMARY	Planning Enforcement update
RECOMMENDATION	That the Committee notes the information contained in the report

### **1 INTRODUCTION**

- 1.1 This report provides an update on the work of Planning Enforcement team.

### **2 PLANNING POLICY, LEGAL AND OTHER CONSIDERATIONS**

- 2.1 The National Planning Policy Framework states:

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

## 2.2 National Planning Policy Guidance states:

Para 17b-003: 'There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control'.

2.3 Officers investigating breaches of planning control are mindful of, and comply with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.

2.4 In recommending and pursuing enforcement action, officers give consideration to the Human Rights Act 1998 and to the Equality Act 2010.

## 3 STATISTICS RELATING TO PERFORMANCE TARGETS

3.1 All complaints and enquiries received by the Planning Enforcement team are categorised as either Category 1, Category 2 or Category 3 as detailed in the Planning Enforcement Policy.

3.2 The targets for the team to assess whether there is a breach and advise the complainant of their intended actions are:

Category 1: Target for site visit within 3 working days from receipt of the complaint.

Category 2: Target for site visit within 5 working days from receipt of the complaint.

Category 3: Target for site visit within 15 working days from receipt of the complaint.

### 3.3 Statistics for 1 January to 30 April 2015

A total of 130 complaints were received by the Planning Enforcement Team 63 of which have been investigated and closed. A further 79 pre - existing investigations have been closed in this time period.

### **Target response times**

100% of Category 1 complaints were visited within the 3 working day target.

50% of Category 2 complaints were visited within the 5 working day target.

66% of Category 3 complaints were visited within the 15 working day target.

- 3.4 Officers responded to with 27 Premises Licence applications and 8 requests for information about proposed alterations by tenants to Cambridge City Council properties.

Officers also checked Building Control applications and licences issued by Environmental Services for any works or changes of use that may require planning permission.

### **3.5 Enforcement Notices served**

Enforcement Notices	
Operational Development	4
Material Change of use	2

### **3.6 Intended Entry Notices served**

Notice of Intended Entry	
To gain entry to a property	1

### **3.7 Planning Contravention Notices (PCNs) served**

PCNs	
Notices requiring information	5

### **3.8 Enforcement Notices that have been complied with**

Officers have confirmed that the following enforcement notices which have been complied with:

### **Material change of use**

24 Chalmers Road  
26 Priory Road  
7 Morland Terrace

### **Operational Development**

44 Mill Road  
240 Coldhams Lane

### **Breach of condition**

1 Hemingford Road

## **4 UPDATE ON ENFORCEMENT CASES**

4.1 The following case summaries have been compiled to provide members with information and updates on investigations where formal enforcement action has been initiated.

### **4.2 Operational Development at 8 Richard Foster Road**

On 16 September 2013 members of the South Area Committee refused a retrospective planning application to 'Provide roof and roof lights over upper floor terrace, convert car port to playroom and provide storage in entrance lobby (retrospective)' at 8 Richard Foster Road on the Accordia site.

On 7 May 2014 the Planning Enforcement Service used their delegated authority to serve an enforcement notice in relation to works which have failed to gain approval by means of a retrospective application for Planning Permission.

Officers noted that there had been an error made in relation to the process followed in issuing the planning enforcement notice and so on 15 October 2014 the Notice was withdrawn by the Council.

Officers will provide a verbal update on the enforcement action taken relating to the works to the car port and roof terrace respectively at 8 Richard Foster Road.

### **4.3 Material change of use of car port at 27 Babraham Road**

On 26 June 2013 members of the South Area Committee authorised the service of an enforcement notice for the unauthorised use of a car port garage extension for the storage of ice cream vans.

On 3 July 2013 the enforcement notice requiring the unauthorised use of the car port for the storage of ice cream vans to cease was served.

The service of the enforcement notice was appealed to the Planning Inspectorate and a Public Inquiry was held on 17 March 2015.

The Planning Inspectorate upheld the appeal and quashed the enforcement notice.

#### **4.4 Material change of use of mobile home at 136 Perne Road**

On 11 September 2014 members of the East Area Committee authorised the service of an enforcement notice for the separate residential use of a mobile home.

The notice was served on 2 October 2014.

The service of the enforcement notice was appealed to the Planning Inspectorate and a Public Inquiry to determine the appeal is due to be held on 21 July 2015.

### **5 RECOMMENDATIONS**

5.1 That the Committee note the contents of this report.

### **6 IMPLICATIONS IN RELATION TO THE RECOMMENDATION**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None
- (f) **Human Rights** – None.

**APPENDICES:** None

**BACKGROUND PAPERS:** Planning Enforcement Policy and the City Council's Corporate Enforcement Policy

The contact officer for queries on the report is Deborah Jeakins on extension 7163.