

Committee: Planning Applications Committee

Date: 23rd May 2016

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

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Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	629 ¹ (655)	New Appeals:	3 (0)
New Complaints	36 (80)	Instructions to Legal	2
Cases Closed	62 (154)	Existing Appeals	3 (4)
No Breach:	36	<hr/>	
Breach Ceased:	26	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	45 (69)
Total	62 (154)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	3 (3)
New Enforcement Notice issued	5	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	5 (2)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (12th April – 9th May 2016)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

- 2.01 32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The notice would come in to effect on 31st May 2016 unless there is an appeal prior to that date and the requirement would be for the owner to demolish the structures and removal of the resulting debris within 3 months.
- 2.02 160 Bennetts Close Mitcham CR4 1NS.** An enforcement notice was issued on 20th April 2016 against the unauthorised erection of a fence exceeding 3 metres high. The notice comes into effect by 1/6/16 unless there is an appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.
- 2.03 Date Valley School, Mitcham Court, Cricket Green, Mitcham.** The Council issued an enforcement notice on 15th April 2016 against the unauthorised erection of a shelter in the playground of the school site. The notice would come in to effect on 25th May 2016 unless there is an appeal prior to that date and the requirement would be the demolishing of the structure and removal of the resulting debris within 3 months.

- 2.04 31 Manship Road, Mitcham CR4 2AZ** On 15th April 2016, the council issued an enforcement notice against the unauthorised erection of three wooden garden sheds in the rear garden, The notice would come into effect by 25th May 2016 unless there is an appeal prior to that date and the requirement would be to cease the use of the sheds for residential purposes and demolish/remove them from the garden within 3 months.
- 2.05 39 Borough Road Mitcham CR4 3DX** The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The notice would come into effect on 25th May 2016 unless there is an appeal prior to that date.

Some Recent Enforcement Actions

- 2.06 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats within 6 months.
- 2.07 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing.

On 6/11/15 an extension (ref 15/P2924) was granted to allow the required works to be completed. Works are still on-going and should be completed by end of March 2016.

An inspection of the building and the works were carried out on Friday 29th April 2016. The required works have mostly been carried out to an acceptable standard. There are a couple of minor issues that are still being pursued but these can be resolved without the need for further enforcement.

The archaeological survey has not been carried out. To address this issue, officers have provided information on two companies currently carrying out similar surveys in the borough, to the owner to the These are the company working on the nearby Canons House - Simpson & Brown, and MOLA (Museum of London Archaeology).

3.0 New Enforcement Appeals

Swinburn Court, 32 The Downs SW19 The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to

demolish the structure within three months of the effective date of 30/4/16 but for the appeal. The council is still waiting for a start date letter.

39 Borough Road Mitcham CR4 3DX The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.

32 Cedars Avenue, Mitcham CR4 1EA The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The notice would come in to effect on 31st May 2016 unless there is an appeal prior to that date and the requirement would be for the owner to demolish the structures and removal of the resulting debris within 3 months. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.

3.1 Existing enforcement appeals

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. **The Council's statement is due on 20/5/16**
- **4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The notice would have come into effect on 5/12/15 but an appeal has been registered. The requirement is to demolish the unauthorised roof extension within one month. **The Council's final statement was sent in December 2015. The next stage is for the planning inspectorate to set a date for an inspector site visit.**
- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months.

The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector. The next stage is for the planning inspectorate to set a date for an inspector site visit.

3.2 Appeals determined –

None

Prosecution case.

None

3.4 Requested update from PAC

4. Consultation undertaken or proposed

None required for the purposes of this report

5 Timetable

N/A

6. Financial, resource and property implications

N/A

7. Legal and statutory implications

N/A

8. Human rights, equalities and community cohesion implications

N/A

9. Crime and disorder implications

N/A

10. Risk Management and Health and Safety implications.

N/A

11. Appendices – the following documents are to be published with this report and form part of the report Background Papers

N/A

12. Background Papers

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