

## **Committee:** Planning Applications Committee

**Date:** 19 January 2017

**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:**

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That Members note the contents of the report.

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#### **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.

<b>Current Enforcement Cases:</b>	<b>531</b> <sup>1</sup> (538)	<b>New Appeals:</b>	0 (1)
<b>New Complaints</b>	<b>45</b> (42)	<b>Instructions to Legal</b>	<b>1</b>
<b>Cases Closed</b>	<b>52</b> (53)	<b>Existing Appeals</b>	<b>4</b> (6)
No Breach:	37	<hr/>	
Breach Ceased:	15	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>55</b> (35)
<b>Total</b>	<b>52</b> (53)	<b>% Determined within time limits:</b>	<b>95%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>0</b> (0)
New Enforcement Notice issued	2	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	1	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	2		
<b>Total</b>	<b>5</b> (1)		
<b>Prosecutions:</b> (instructed)	<b>2</b> (0)		

Note (*figures are for the period (29<sup>th</sup> Nov 2016 – 9<sup>th</sup> Jan 2017)*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

- 2.01 14 Nelson Road, SW19** On 20/12/16 the council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would come into effect on 1/2/17 unless an appeal is made prior to that. The compliance period is one month.
- 2.02 1 Flaxley Road Morden SM4 6LJ** • the Council issued an enforcement notice on 5<sup>th</sup> December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished and would become effective by 16/1/17 unless there is an appeal prior to that date.
- 2.03 13 Fairway, Raynes Park SW20.** On 2<sup>nd</sup> December 2016, the council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date.

## Some Recent Enforcement Actions

- 2.04 55-61 Manor Road, Mitcham** An enforcement notice was issued an enforcement notice on 3<sup>rd</sup> August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he has failed to comply with the notice, the Council would have no option but to consider prosecution.
- 2.05 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. **Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.**
- 2.06 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> 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 3<sup>rd</sup> March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29<sup>th</sup> April 2016 concluded that the required works have mostly been carried out to an acceptable standard.
- The Council has now been provided with a copy of the archaeological survey report and officers would be reviewing and make their recommendations.**

### 3.0 New Enforcement Appeals

None

### 3.1 Existing enforcement appeals

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3<sup>rd</sup> October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council has been notified of an appeal. The compliance period would be two calendar months. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of this appeal.

- **34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 to 8.4 metre. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of the appeal.
- **21 Merton Hall Road, Morden.** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. **Council statement has been submitted.**
- **Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. **Council statement has now been submitted.**

### 3.2 Appeals determined –

- **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. **The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17.**
- **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 appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29<sup>th</sup> March 2017.**
- **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. **The appeal was dismissed on 10/1/17 and the appellant has three months to comply.**

### Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. **A site visit on 4th October 2016 confirmed that the notice has**

**not been complied with and prosecution documents have been forwarded to Legal Services for further action.**

- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. **As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings.**

### **3.4 Requested update from PAC**

None

### **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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