

Committee: Planning Applications Committee

Date: 21st August 2014

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: | 810 ¹ (754) | New Appeals: | 1 (0) |
| New Complaints | 88 (60) | Instructions to Legal | 5 |
| Cases Closed | 32 (13) | Existing Appeals | 1 (2) |
| No Breach: | 12 | <hr/> | |
| Breach Ceased: | 20 | TREE ISSUES | |
| NFA ² (see below): | - | Tree Applications Received | 61 (16) |
| Total | 32 (13) | % Determined within time limits: | 100% |
| New Enforcement Notices Issued | | High Hedges Complaint | 0 (0) |
| Breach of Condition Notice: | 0 | New Tree Preservation Orders (TPO) | 0 (0) |
| New Enforcement Notice issued | 2 | Tree Replacement Notice | 0 |
| S.215: ³ | 1 | Tree/High Hedge Appeal | 0 |
| Others (PCN, TSN) | 0 | | |
| Total | 3 (3) | | |
| Prosecutions: (instructed) | 0 (0) | | |

Note (*figures are for the period (1st July to 11th August 2014)*) and 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**

- 2.01 110 Nelson Road** An enforcement notice was issued on 23rd July 2014 against the breach of condition 3 forming part of a planning permission (Council ref. No. 04/P1366) granted on 26th August 2004 for the works to the property at 110 Nelson Road and its conversion from a house into two flats. Condition 3 prohibits the occupation of the Land unless a privacy screen has been formed on the first floor roof terrace to a design and with materials which shall first have been approved by the Council. The notice takes effect on 27th August 2014 unless an appeal is made prior to that date and the owners have 7 days to comply with the requirement of the notice.
- 2.02 Burn Bullock, 315 London Road, Mitcham CR4** An enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice would come into effect on 20th August 2014 unless there is an appeal prior to that date and the compliance period would be 2 calendar months.
- 2.03 5 Brooklands Avenue Wimbledon Park SW19** A section 215 was issued on 1st July 2014 to require remedial works to the front and rear of the land involving clearing overgrown garden of weeds, carrying out repairs/painting to (or replacing) broken gutters and fenestration. The notice came into effect on 29th July 2014 as there was no appeal and given the owner's special circumstances, the Council is likely to carry out the required works and put a charge on the land.

Some Recent Enforcement Actions

- 2.04 Rapid ReadyMix, Alpha Place, Garth Road** a Breach of Condition Notice (BCN) was issued on 23rd June 2014 against the business for breaching a planning condition relating to the hours of working which states the use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.

This is the second notice and it came into effect immediately as there is no right of appeal and the business has 28 days to comply and operate within the approved hours or face prosecution. Officers have been monitoring the development by carrying out early morning random visits and also checking the company's on-site CCTV recordings. Until recently, a contractor was carrying out some works required by planning condition which related the installation of canopy.

- 2.05 17 Homefield Gardens Mitcham.** A Breach of Condition Notice (BCN) was issued on 10th June 2014 to require an ice cream business operating from the property to comply with a planning condition that requires that no construction, conversion, repair or maintenance works to the ice cream vans shall be carried out on the premises. The notice came into effect immediately with a compliance period of 28 days.

Compliance checks have been carried out but this has been restricted to when Police presence was possible due to a previous incident during which an officer was threatened. Subsequent officer visits have been carried out in pairs.

- 2.06 Land at 52 Cannon Hill Lane, Raynes Park,** an enforcement notice was issued on 16th April 2014 against the construction of a brick and block-work wall to the front of the property. The notice came into effect on 16th June 2014 as there was no appeal. The requirement is to demolish the structure and clear the resulting debris. Notice has been complied with and file recommended for closure.

- 2.07 Land at Flat 2, 43 Richmond Avenue Wimbledon SW** an enforcement notice was issued on 7th April 2014 against the erection of a satellite dish on the front façade of the building with a requirement for its removal. The notice came into effect on 12th May as there was no appeal and the compliance period is three months. The notice has been complied with as the satellite has been removed. The file is recommended for closure.

2.08 Land at 39 West Barnes Lane, Raynes Park SW20. An enforcement notice was issued against the erection of a metal shed type structure, capable of accommodating two vehicles for painting and drying, metal fencing panel and the placing of floodlights atop existing fence posts. The notice was issued on 3rd December 2013 and required the removal of the unauthorised structures, including the large metal shed and fencing with floodlights and would come into effect by 14th January 2014 with a month's compliance period unless there was an appeal before that date. The notice is now effective as the Council has not been notified that an appeal has been received. Compliance period expired on 14/2/14. A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared. However, there has been some delay following the departure of the case officer.

A second enforcement notice was issued against a material change of use of the land to a hand car wash/repair and car breaking yard and paint shop. The notice was issued on 3rd December 2013 and requires the unauthorised use to cease within one month of the effective date. The notice came into effect on 14th January 2014 as there was no appeal.

A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice was being prepared. The case officer has now left and the case will have to be re-allocated.

2.09 16 – 20 Kingston Road, Wimbledon SW19 A breach of Condition Notice (BCN) was issued on 6th November 2013 against Grenfell Housing Association for breaching a planning condition requiring an identified vehicle parking area to be kept for parking. The notice came into effect immediately as there is no right of appeal and the business has 39 days to comply. (NB – an appeal against the refusal of planning permission for the retention of an erected communication aerial has now been refused the mast has now been removed an the file is recommended for closure

3.0 New Enforcement Appeals

- **Unit 6, Mitcham Industrial Estate, Streatham Road Mitcham CR4.** An enforcement notice was issued on 24th June 2014 against the installation of three extraction vents to the rear roof of the building. The notice would have come into effect on 5th August 2014 but an appeal has been registered with a start date from 8th August 2014. The owner would have two months to remove the vents if the appeal is dismissed.

3.1 Existing enforcement appeals

- None

3.2 Appeals determined –

- **150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21st August 2013 against the unauthorised erection of a four storey building

with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An enforcement appeal and two planning appeals have been registered but are co-joined to be dealt together. The appeals were determined on 23/7/14 as follows:

Appeal A – Dismissed, enforcement notice upheld with compliance date varied from 4 to 6 months.

Appeal B – Allowed and planning permission granted for the addition of a second basement to create offices and storage and revised layout for first floor basement to create offices.

Appeal C – Dismissed and permission refused for the increased roof void height by 660 mm to accommodate 2 studio flats at 3rd floor.

- **27 Pitcairn Road, Mitcham CR4.** An enforcement notice was issued on 10th October 2013 against an unauthorised change of use of a garage/outbuilding into residential accommodation. The appeal was abandoned as the appellant discarded his interest in the property making the appeal invalid. This was confirmed by inspector's letter dated 14/7/14.
- **2A Crown Road, Morden SM4.** An enforcement notice was issued on 30th October 2013 against an unauthorised conversion of an Islamic prayer meeting room (D1 community use) into three self-contained residential units comprising two 1-bedroom apartments and a 2-bedroom flat.

The appeal was dismissed on 24/6/14 and the landlord has 6 months to comply with the requirements of the notice. .

3.3 Prosecution case.

None

3.4 Requested updates from PAC

Burn Bullock PH, London Road, Mitcham –

An instructing memo is now with Legal Services requesting for a Listed Buildings Repairs Notice to be issued to require works to be carried out for the preservation of the building.

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**