

## **Committee:** Planning Applications Committee

**Date:** 16<sup>th</sup> July 2015

**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:**

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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>886</b> <sup>1</sup> (912)	<b>New Appeals:</b>	<b>3</b> (0)
<b>New Complaints</b>	<b>35</b> (85)	<b>Instructions to Legal</b>	<b>3</b>
<b>Cases Closed</b>	<b>61</b> (99)	<b>Existing Appeals</b>	<b>4</b> (1)
No Breach:	41	<hr/>	
Breach Ceased:	20	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>48</b> (42)
Total	<b>61</b> (99)	<b>% Determined within time limits:</b>	<b>90%</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>3</b> (1)
New Enforcement Notice issued	4	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
Total	4 (0)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period 9<sup>th</sup> June – 6<sup>th</sup> July 2015*). 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 18 Morton Road, Morden SM4** The Council served an enforcement notice on 29<sup>th</sup> June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice which comes into effect on 6<sup>th</sup> August unless there is an appeal prior to that date.
- 2.02 32 Consfield Avenue** The Council issued an enforcement notice on 24<sup>th</sup> June 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 30<sup>th</sup> July 2015 unless there is an appeal prior to that date. The main requirement is to remove the structure within one month of the effective date.
- 2.03 3 Crown Lane, Morden SM4** An enforcement notice was issued on 22<sup>nd</sup> June 2015 against the unauthorised erection of a second single storey extension with wooden timber posts. The notice would come into effect on 26<sup>th</sup> July 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised extension to be demolished within two months.

- 2.04 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4<sup>th</sup> June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as balustrade. The compliance period is one month of the effective date of 15<sup>th</sup> July 2015 unless there is an appeal prior to that date.

### **Some Recent Enforcement Actions**

- 2.05 Tooting Medical Centre, 5 London Road, Tooting SW17.** The Council served an enforcement notice on 9<sup>th</sup> April 2015 against the erection of a wooden panelled fence and a metal structure situated on top of the single storey rear part of the premises. The notice would take effect on 20<sup>th</sup> May 2015 unless an appeal is made before that date. The requirement is to remove the structure and the compliance period would be one month.
- 2.06 49 London Road, London SW17 9JR.** An enforcement notice was issued on 8/4/15 against the installation of here condenser/ventilation units to the rear elevation of the outrigger extension on the land. The notice would come into effect on 19<sup>th</sup> May 2015 unless there is an appeal prior to that date. The requirements are for the unauthorised units and associated fixtures and fittings to be removed and the resulting debris also removed from the land within one month of the effective date.
- 2.07 25 Malcolm Road Wimbledon SW19** A section 215 (Amenity Land) Notice was issued on 10th September 2014 to require remedial works to the land involving the removal of hoarding, bamboo fencing, plastic sheeting on an existing car port, a marquee, a skip and also clear the land of abandoned building materials, wooden pallet and general waste. The notice came into effect on 9th October 2014 (28 days after service) as there was no appeal against the notice. Some works have been carried out to tidy the site.

**There has been no further progress so consideration is being given to the possibility of taking direct action.**

- 2.08 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. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27<sup>th</sup> October 2014 for consideration. The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, should be completed within five months of the approval date.

**Listed Building Consent was granted on 3<sup>rd</sup> March 2015** for most of the works which cover 1) the roof and rainwater goods, 2) masonry, chimney and render repairs 3) woodwork, glazing and both internal and external repairs. The required works have started and officers have been informed that scaffolding would be erected soon to support the external and high level works. Officers were concerned about the section of the application which covers the Tudor part of the building so this was reserved for English Heritage's advice and involvement.

The required archaeological survey recommended by English Heritage has been given the go ahead.

Scaffolding has now been erected to facilitate the external works.

**2.09 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 came into effect on 20<sup>th</sup> August 2014 as there was no appeal prior to that date and the compliance period would expire by 20<sup>th</sup> October 2014 (2 calendar months). The car sales business has ceased in compliance with the requirements of the notice. Cars have been removed from the front car park and the site tidied up but there are a significant number left in the rear car park.

More cars have now been removed from the site and this is expected to continue until the site is cleared.

### **3.0 New Enforcement Appeals**

- **163 Central Road, Morden SM4**, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal has now been registered. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four months.
- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months.
- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

### **3.1 Existing enforcement appeals**

- **Land and premises known as 336 Lynmouth Avenue, Morden SM4**. An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding. The Council's final statement was sent on 27<sup>th</sup> March 2015. We are now awaiting an inspector site visit date.

**3.2 Appeals determined –**

None

**3.3 Prosecution case.**

None

**3.4 Requested update from PAC**

**38 Alwyne Road (formerly Worcester Hotel), Wimbledon, SW19** – Councillor David Holden referred to the complaint submitted to the Development Control Team alleging that this site had been converted illegally from a family dwelling house to flats.

An enforcement case (ref 15/E0215) has been logged and this is being investigated. The hotel use has ceased. There are no external works to the property at the moment but it appears to be internal refurbishment in compliance with the current permission to return the property to residential

**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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