

Merton Council

Planning Applications Committee

22 February 2018

Supplementary agenda

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Committee: Planning Applications Committee

Date: 22nd February 2018

Agenda item: 15

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 staffing levels in the Planning Enforcement Section.

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

Two Planning Enforcement Officers (full time) Two Tree Officers (one full time one part time).

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

Current Enforcement Cases:	716	¹ (700)	New Appeals:	(0)	(0)
New Complaints	38	(35)	Instructions to Legal	1	(1)
Cases Closed	22		Existing Appeals	2	(5)
No Breach:	15		<hr/>		
Breach Ceased:	7		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	67	(51)
Total	22	(22)	% Determined within time limits:	95%	
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	1	(0)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (*figures are for the period 13th January 2018 to 16th February 2018*). 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

242 – 244 LONDON ROAD, MITCHAM, LONDON, CR4 3HD

The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land. The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one month of this date unless an appeal is made.

18 Warminster Way, Mitcham, CR4 1AD. The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal is in progress with the site visit arranged for 28th February 2018.

1 Cambridge Road, Mitcham, CR4 1DW. The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017. Prosecution proceedings are now being considered.

Some Recent Enforcement Actions

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. A Planning Enforcement Notice requiring the reversion of the property back to a single-family dwelling house was issued on 30th October 2017. The Notice came into effect on 4th December 2017 with a compliance period of 3 calendar months from 4th December 2017. No appeal was made against this Notice, however there is a current planning appeal against the refusal of planning permission for the retention of the two flats.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement 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 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 ongoing to re-possess the remaining two flats.
- **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, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th 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 officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

- **13 Fairway, Raynes Park SW20.** On 2nd 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. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

3.00 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Waiting for the inspectorate decision.

3.2 Appeals determined

- **12A Commonsides West.** On 06/03/17 the council issued an enforcement notice against the unauthorised erection of a single storey rear outbuilding. The notice would have come into effect on 15/4/17. An appeal has now been lodged and a start date has now been given. Appeal statement has been submitted to the inspectorate. Appeal site

visit was held on 12th December 2017, The Notice was quashed and planning permission granted by Decision Letter dated 11th January 2018.

- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018.
- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd 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 was notified of an appeal. The compliance period is two calendar months. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018 with a three months compliance period from 1st February 2018.

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. The Structure is still present. No compliance, awaiting prosecution.

Land at 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 was submitted. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th May 2017, however an acceptable scheme has now been approved.

2 and 2A Elms Gardens, Mitcham. An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement has been sent. The planning appeal site visit is to be held on 1st September 2017. It was found on the appeal site visit that the building had been altered and

could no longer be considered by the inspector to be a “bungalow” and as such the enforcement Notice referring to a “bungalow” was quashed by Decision letter dated 27th September 2017. The Council is now going to issue a new enforcement Notice referring to the building as 3 garages.

36A Cromwell Road, SW19 – Following a complaint about a **high hedge** at this address, the council served a Remedial Notice on the owner to reduce the hedge to the specified height of 3.9 metres. The subsequent appeal was dismissed and the effective date for the Notice has been re-set to 1 September 2017. The owner has 3 months to carry out the specified work. This case has now been referred to the Councils Legal Services Team.

3.3 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. This case is to be re-allocated to a new officer.
- **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 to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.
- **55-61 Manor Road, Mitcham.** An enforcement notice was issued on 3rd 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 no notification of an appeal was 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 failed to comply with the notice, the Council was progressing

prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

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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Planning Applications Committee 22 February 2018 Supplementary Agenda (Modifications Sheet)

Item 5 - 18 Arras Avenue, Morden, SM4 6DF – 17/P4387 – Ravensbury Ward.

Drawings (Page 11).

Amend drawings as follows:

400 Rev 04 amended to 400 Rev 05 – revised landscape plan.

100 Rev 01 amended to 100 Rev 02 - revised ground floor plan.

Planning considerations (page 17)

Insert after paragraph 7.9.

Further to concerns from objectors the applicant has confirmed a willingness to ensure that at the discharge of conditions stage a higher fence would be applied for of up to 2.4m, a self locking gate system would be installed. The layout of the path adjacent to 20 Arras Avenue has been amended to ensure that three of the on site trees would not be impacted by the footpath. Drawing 100 Rev 02 replaces 100 Rev 01 & 400 Rev 05 replaces Rev 04

Recommendation (Page 19)

Condition 2 – amend drawing numbers as above.

Add: F8 – Site supervision (Trees)

Item 6 Deacon House, Atherton Drive

Withdrawn from the Agenda

Item 7 - 27 Belvedere Avenue, Wimbledon Village, SW19 7PP – 17/P4151 – Village Ward.

Consultation (Page 37)

Late representations following publication of agenda.

Belvedere Estates Residents Association

-Plans have no measurements (They have a scale bar 1:100 and 1:200 scale).

-Neighbours at 25 Belvedere Avenue have serious concerns regarding the impact of the proposal upon their amenity.

Late letter from occupiers of 25 Belvedere Avenue

-The proposed building has come forward of the building line.

-The top floor is now flush with the first and second floor façade. This contradicts the original design with a 'set back'.

-The front projection would affect privacy to 25 Belvedere Avenue.

-Why was the previous application 17/P1035 approved under delegated powers, surely neighbours should have been consulted (Neighbours were consulted and three objections were received hence delegated decision).

-The removal of the single storey extension has no bearing on privacy issues. It is the third floor windows that pose a privacy issue.

Item 8 - 8-10 Edward Avenue, Morden, SM4 6EP - 17/P2956 – Ravensbury Ward.

No modifications.

Item 9 - Garages R/O Inglemere Road & Grenfell Road, Mitcham, CR4 2BT – 17/P1601 – Graveney Ward.

Following discussion with the applicant officers have agreed amendments to the heads of terms such that

- i) Financial contribution of £25,884 towards carbon offsetting subject to the findings of a further viability assessment to be undertaken after and agreed review period;
- ii) Off site affordable housing contribution subject to the findings of a further viability assessment to be undertaken after and agreed review period;
- iii) New dwellings to be ineligible for parking permits.
- iv) The developer undertaking reasonable endeavours to identify an alternative location for the commercial occupants of the site for a period of nine months from the grant of planning permission.
- v) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

Item 10 - 579-589 Kingston, Raynes Park, SW20 8SD – 16/P1208 – Dundonald Ward.

Consultation (Page 84)

Insert after paragraph 5.4.

8 late representations following publication of agenda including 1 from an earlier objector.

Parking.

Inadequate and unrealistic parking provision placing a burden on surrounding streets.

Cycle parking should be reduced and will be a great attraction to cycle thieves.

Bulk and massing.

Scale of building out of proportion with surroundings. A 3 storey building would be more suitable.

Will overshadow all the buildings around.

Units will be very small and have no outdoor amenity space.

Other issues.

Impact on local services including schools.

Proposals along with those at the church site (adjoining) and Southey Bowls club will decimate the area.

Insert after paragraph 5.16

5.17 Children Schools and Families.

No objection. The child yield calculation suggest that the development would produce 12.5 additional primary school age children and 5.6 secondary age children (including post-16).

For primary age this is an average of slightly less than two children per year group. Following the significant increase in demand in the late 2000s and early 2010s with related school expansion there has been a reduction in demand for primary school places in the area in recent years and there is sufficient capacity to accommodate this increase.

For secondary school age the average is slightly less than one per year group. There is now a shortage of secondary places from the increase in demand flowing from primary schools but the council already has plans in place and this development is insignificant in this context . CIL contributions and Department for Education grant should pay for school expansion as needed.

Item 11 - 50 Marryat Road, Wimbledon Village, SW19 – 17/P4158 – Village Ward.

Consultation (Pages 127-128).

Late letter from a consultant acting for the owners of 48 Marryat Road who have been asked to review the applicants Daylight/Sunlight report. The review of the Daylight/Sunlight report concluded that whilst sunlight will not be affected, the side (north facing) windows to the living room in 48 Marryat Road would experience a lower amount of daylight.

Item 12 – 49 Murray Road, Wimbledon

WITHDRAWN FROM THIS AGENDA

Item 13 - 37 - 39 Rookwood Avenue, New Malden, KT3 4LY – 17/P3152 - West Barnes Ward.

No modifications.

Planning Appeal decisions.

No modifications.

Enforcement summary.

Report in this supplementary Agenda

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