

Committee: Planning Applications Committee

Date: 8th December 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

Contact Officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

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:	538	¹ (547)	New Appeals:	1	(1)
New Complaints	42	(61)	Instructions to Legal	2	
Cases Closed	53	(46)	Existing Appeals	6	(6)
No Breach:	30		<hr/>		
Breach Ceased:	23		TREE ISSUES		
NFA ² (see below):	-		Tree Applications Received	35	(83)
Total	53	(46)	% 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	(3)
New Enforcement Notice issued	0		Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0				
Total	1	(1)			
Prosecutions: (instructed)	0	(0)			

Note (**figures are for the period (8th – 28th November 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

None.

Some Recent Enforcement Actions

- 2.01 55-61 Manor Road, Mitcham** An enforcement notice was issued an enforcement notice 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 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.
- 2.02 117 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 is to cease using the building as eight self-contained flats within 6 months. **Property appears to be vacant at the moment and an inspection of the property is to be arranged with the owners.**

2.03 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 owners have advised Officers that the archaeological survey of the Tudor part of the building has now been carried out. Officers are still waiting for a copy of the report with recommendations in order to consider the next steps. **The owners have been contacted but the report is still not ready.**

3.0 New Enforcement Appeals

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 has been notified of an appeal. The compliance period would be two calendar months.

3.1 Existing enforcement appeals

- **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.
- **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.**
- **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 which was registered with a start date 29/6/16 and is by written representation. **An Inspector site visit date has been set for Tuesday 22/11/16.**

- **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. An appeal by written representation is proceeding on ground 'A' – that planning permission should be granted for the development. Council's statement has been submitted.
- **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. **Final statements have been submitted. We are now awaiting an inspector site visit date.**

3.2 Appeals determined –

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 was dismissed on 27/10/16 and the owner has to demolish the structure by 27th January 2017.

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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