

## **Committee: PLANNING APPLICATIONS COMMITTEE**

**Date: 17 AUGUST 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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#### **Recommendations:**

A. 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.

#### **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) **one position currently vacant.**

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. Officers would note that there are currently only two enforcement officers.

|                                       |            |                    |   |           |      |
|---------------------------------------|------------|--------------------|---|-----------|------|
| <b>Current Enforcement Cases:</b>     | <b>624</b> | <sup>1</sup> (608) | <b>New Appeals:</b>                       | 0         | (4)  |
| <b>New Complaints</b>                 | 35         | (38)               | <b>Instructions to Legal</b>              | 1         | (0)  |
| <b>Cases Closed</b>                   | <b>19</b>  | (22)               | <b>Existing Appeals</b>                   | <b>5</b>  | (6)  |
| No Breach:                            | 10         |                    | <hr/>                                     |           |      |
| Breach Ceased:                        | 9          |                    | <b>TREE ISSUES</b>                        |           |      |
| NFA <sup>2</sup> (see below):         | -          |                    | <b>Tree Applications Received</b>         | <b>49</b> | (41) |
| Total                                 | 19         | (22)               | <b>% Determined within time limits:</b>   | 95%       |      |
| <b>New Enforcement Notices Issued</b> |            |                    | High Hedges Complaint                     | 0         | (0)  |
| Breach of Condition Notice:           | 0          |                    | <b>New Tree Preservation Orders (TPO)</b> | <b>3</b>  | (0)  |
| New Enforcement Notice issued         | 0          | (0)                | <b>Tree Replacement Notice</b>            | <b>0</b>  |      |
| S.215: <sup>3</sup>                   | 0          |                    | <b>Tree/High Hedge Appeal</b>             | <b>1</b>  |      |
| Others (PCN, TSN)                     | 0          | (0)                |   |           |      |
| Total                                 | 0          | (0)                |   |           |      |
| <b>Prosecutions: (instructed)</b>     | <b>1</b>   | (1)                |   |           |      |

Note (*figures are for the period ( 14<sup>th</sup> July to 15<sup>th</sup> August 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 NEW ENFORCEMENT ACTIONS

**28 Byards Croft.** On 8<sup>th</sup> May 2017 the Council issued an Enforcement Notice requiring the demolition of detached out building. The Notice will come into effect on 16<sup>th</sup> June 2017 with a compliance period of one month, unless an appeal is lodged. No appeal has been lodged. The Enforcement Notice has not been complied with and this matter will now proceed to prosecution

**36 Biggins Avenue, Mitcham, CR4 3HN.** The Council issued an enforcement notice on the 18th January 2017 for 'the single storey front extension and the created balcony on the first floor of the property. The notice requires the structures to be demolished and took effect on 1st March 2017, as no appeal had been submitted. Full compliance with the Notice is expected by the end of July 2017.

**9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats along with alterations to the elevations and a single storey side and rear extension all without planning permission. The service of a planning enforcement Notice has now been authorised.

**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 has now been lodged, awaiting a start date.

## 2.1. Some Recent Enforcement Actions

**117 Haydons Road South Wimbledon SW19.** The Council re-served an Enforcement 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.

**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 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. The property has again been occupied by squatters. Steps have been taken to remove them.

**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.

**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.

**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 NEW ENFORCEMENT APPEALS

**2 and 2A Elms Gardens, Mitcham.** An enforcement notice was issued on 12<sup>th</sup> 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 1<sup>st</sup> September 2017.

**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.

#### 3.1. Existing 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 was notified of an appeal. The compliance period is two calendar months. We are awaiting the outcome of this appeal.

**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 has now been submitted. The appeal statement has been submitted to the inspectorate in support of the case.

**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

**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 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal was lodged. The site was visited by the Planning Inspectorate on the 11th July, 2017. The appeal was dismissed, the time period for compliance with the Enforcement Notice was extended to 12 months from 20<sup>th</sup> July 2017.

**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.

**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 had three months to comply. The structure was removed as required by the given date of by 26<sup>th</sup> July 2017.

**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. 11<sup>th</sup> April 2017 Appeal dismissed and Notice upheld. The compliance date was 12<sup>th</sup> May 2017, however additional time has been agreed to allow for an acceptable scheme to be submitted for consideration.

### **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 has been submitted to legal services

**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**

None

**12 BACKGROUND PAPERS**

**12.1.** None