

Committee: Planning Applications Committee

Date: 10th July 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:	754 ¹ (707)	New Appeals:	0 (0)
New Complaints	45 (45)	Instructions to Legal	2
Cases Closed	13 (77)	Existing Appeals	2 (3)
No Breach:	5	<hr/>	
Breach Ceased:	8	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	16 (73)
Total	13 (77)	% Determined within time limits:	100%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	2	New Tree Preservation Orders (TPO)	0 (3)
New Enforcement Notice issued	1	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	1
Others (PCN, TSN)	0		
Total	3 (3)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (10th to 30th June 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 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 comes into effect on 5th August 2014 unless an appeal is made before that date and the owner has two months to remove the vents.

2.02 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. The condition requires that the site should not

2.03 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.

Some Recent Enforcement Actions

- 2.04 Land at 195 Stanford Road, London SW16** an enforcement notice was issued on 8th May 2014 to require the cessation of an unauthorised change of use of the garage at the rear of the land for the repair of vehicles. The notice came into effect on 19th June 2014 as there was no appeal. The owner wrote to the council on 10/6/14 that the use had ceased in compliance with the enforcement notice. A site visit on 26/6/14 confirmed that and that the garage was also shut. Case is now recommended for closure.
- 2.05 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.
- 2.06 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.
- 2.07 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.

- 2.08 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 notice would have come

into effect on 12th December 2013 but an appeal was made. An informal hearing appeal was registered and was held on 17th June 2014.

- 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 and the owners are required to remove the mast. It is proposed to migrate the microwave link from the temporary installation to the permanent rooftop installation the week beginning 7th July 2014 and then remove the mast.

3.0 New Enforcement Appeals
None

3.1 Existing enforcement appeals

- **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 Council's final statement was sent on 30th January 2014. An inspector site visit has been scheduled for Monday 16th June at 11.00 am. (Now waiting the Inspector's decision.
- **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 notice would come into effect on 21st November 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 4 months. An enforcement appeal is now under way. And the Council's final statement was sent on 24th December 2013 and we are now waiting for a date for an inspector's site visit.

3.2 Appeals determined -

- **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 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

a) Clarendon Grove, Mitcham –concern that development not being built in accord with consent.

(b) 25 Malcolm Rd, Wimbledon, SW19 – The case officer is putting together an instruction memo for enforcement action. An update will be provided at the next meeting.

23A Bruce Road, Mitcham, The Council issued a section 215 Amenity Land Notice on 27th August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice become effective but as the owner did not take steps to comply direct action was considered appropriate.

The garden was cleared by a contractor on 25th June and a charge will now be placed on the property so the council can recoup its cost when it is sold.

Burn Bullock PH, London Road, Mitcham –

Enforcement action to require identify repairs to be carried out has been held in abeyance pending the submission of a full structural report in order to be able to assess the extent of damage and the appropriate level of needed works.

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