

## **Committee:** Planning Applications Committee

**Date:** 16<sup>th</sup> October 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:**

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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>853</b>	<sup>1</sup> (816)	<b>New Appeals:</b>	<b>1</b>	<b>(0)</b>
<b>New Complaints</b>	<b>75</b>	<b>(38)</b>	<b>Instructions to Legal</b>	<b>3</b>	
<b>Cases Closed</b>	<b>38</b>	<b>(32)</b>	<b>Existing Appeals</b>	<b>1</b>	<b>(1)</b>
No Breach:	19		<hr/>		
Breach Ceased:	19		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	-		<b>Tree Applications Received</b>	<b>49</b>	<b>(33)</b>
Total	<b>38</b>	<b>(32)</b>	<b>% Determined within time limits:</b>	<b>90%</b>	
<b>New Enforcement Notices Issued</b>			High Hedges Complaint	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>3</b>	<b>(3)</b>
New Enforcement Notice issued	1		<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	2		<b>Tree/High Hedge Appeal</b>	<b>1</b>	
Others (PCN, TSN)	0				
Total	3	(2)			
<b>Prosecutions:</b> (instructed)	0	(0)			

Note (*figures are for the period (9<sup>th</sup> September- 6<sup>th</sup> October 2014)*) and 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 33 Eveline Road Mitcham CR4.** An enforcement notice was issued on 1st October 2014 against the unauthorised conversion of the property into two self-contained flats. The notice would come into effect on 12<sup>th</sup> November 2014 unless there is an appeal prior to that date and the compliance period would be three months. The requirements are for the unauthorised use to cease and remove all partitions, facilities, means of separation, fixtures and fittings facilitating the use of the dwelling as two residential units.
- 2.02 33 Lavender Grove Mitcham CR4 3HW.** A section 215 Notice was issued on 16th September 2014 to require the owner to tidy up the front and rear gardens of the property. The required works include removing all waste, rubbish and other abandoned materials and also cut back bushes and remove all weeds from the land and leave it in a tidy condition. The notice would come into effect on 15th October 2014 (28 days after service) unless there is an appeal against this to the Magistrate Court.
- 2.03 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 would come into effect on 9th October 2014 (28 days after service) unless there is an appeal against this to the Magistrates Court.

## Some Recent Enforcement Actions

- 2.04 Land and premises known as 336 Lynmouth Avenue, Morden SM4.** An enforcement notice was issued on 1<sup>st</sup> 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 notice would come into effect on 6<sup>th</sup> October 2014 unless there is an appeal prior to that date and the compliance period would be 2 calendar months. The requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding.
- 2.05 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.
- 2.06 110 Nelson Road** An enforcement notice was issued on 23<sup>rd</sup> July 2014 against the breach of condition 3 forming part of a planning permission (Council ref. No. 04/P1366) granted on 26th August 2004 for the works to the property at 110 Nelson Road and its conversion from a house into two flats. Condition 3 prohibits the occupation of the Land unless a privacy screen has been formed on the first floor roof terrace to a design and with materials which shall first have been approved by the Council. The notice takes effect on 27<sup>th</sup> August 2014 unless an appeal is made prior to that date and the owners have 7 days to comply with the requirement of the notice.
- There are currently on-going discussions on this with the relevant parties to resolve this.
- 2.07 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). I have been informed that the car sales business is to cease in compliance with the requirements of the notice.
- 2.08 5 Brooklands Avenue Wimbledon Park SW19** A section 215 was issued on 1<sup>st</sup> July 2014 to require remedial works to the front and rear of the land involving clearing overgrown garden of weeds, carrying out repairs/painting to (or replacing) broken gutters and fenestration. The notice came into effect on 29<sup>th</sup> July 2014 as there was no appeal and given the owner's special circumstances, the Council is likely to make arrangements for the required works to be carried out.

Officers visited on 3<sup>rd</sup> September 2014 to inform the occupier of the proposed works to reinstate the rear of the property and the occupier agreed to move out of the property temporarily, so that the works can be done. The occupier has now moved out and builders are on site carrying out the works with an expected completion date by the end of October.

**2.09 Rapid ReadyMix, Alpha Place, Garth Road** a Breach of Condition Notice (BCN) was issued on 23<sup>rd</sup> 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. Officers have been monitoring the development by carrying out early morning random visits and also checking the company's on-site CCTV recordings. Until recently, a contractor was carrying out some works to install a canopy required by planning condition. The company has now installed an acoustic canopy as required by Condition 8 of planning approval ref 11/P2523 within the RRM site to minimise any noise disturbance.

The yard has now been replaced with a 250 mm reinforced concrete slab in place of the old 150 mm slab. The current one is strong to withstand vibrations from the use of heavy equipment on the site.

More than 10 site visits from three officers have been carried out on different days at Rapid Ready Mix following the issuing of the second BCN on 23/6/2014. Officers will continue to monitor the business with unannounced visits. Kings College has delivered their Air Quality Report which suggests that there is no impact on air quality for the area as a result of the RRM business.

**2.10 17 Homefield Gardens Mitcham.** A Breach of Condition Notice (BCN) was issued on 10<sup>th</sup> 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.

Compliance checks have been carried out but this has been restricted to when Police presence was possible due to a previous incident during which an officer was threatened. Subsequent officer visits have been carried out in pairs. Irregular visits have been carried out to increase the pressure on the owner and this seems to have paid off as incidents of vehicle repairs seems to have stopped.

**2.11 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 3<sup>rd</sup> 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 14<sup>th</sup> 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 3<sup>rd</sup> December 2013 and requires the unauthorised use to cease within one month of the effective date. The notice came into effect on 14<sup>th</sup> January 2014 as there was no appeal.

The owners stopped the car wash last week and due to this the prosecution was put on hold to allow this compliance to be monitored for a period.

### **3.0 New 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 council has been notified of an appeal and waiting for the start date letter confirming this has been registered. 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

### **3.1 Existing enforcement appeals**

**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 would have come into effect on 5th August 2014 but an appeal has been registered with a start date from 8th August 2014. The Council's statement was sent on 18<sup>th</sup> September 2014. The owner would have two months to remove the vents if the appeal is dismissed.

### **3.2 Appeals determined –**

**32 Arthur Road, Wimbledon, London, SW19 7DU:** The owner of a high hedge appealed against the Council's Remedial Notice which required a high hedge to be reduced in height to lessen its impact on the neighbouring property at 55 Leopold Road. The appeal was dismissed and the Remedial Notice was reinstated and took effect on the 26 September 2014. The compliance period is three months

### **3.3 Prosecution case.**

**None**

### **3.4 Requested updates 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**