

Committee: Planning Applications Committee

Date: 13th November 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:	921 ¹ (853)	New Appeals:	0 (1)
New Complaints	75 (38)	Instructions to Legal	0
Cases Closed	17 (38)	Existing Appeals	2 (1)
No Breach:	9	<hr/>	
Breach Ceased:	8	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	78 (49)
Total	17 (38)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	2 (3)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (3)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (7th October – 3rd November 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

None

Recent 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 12th 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, and means of separation, fixtures and fittings facilitating the use of the dwelling as two residential units.
- 2.02 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.

- 2.03 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 notice would come into effect on 6th 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.
- 2.04 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. 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 27th 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. An application has been submitted but additional details and drawings have been requested before it can be registered.
- 2.05 110 Nelson Road** An enforcement notice was issued on 23rd 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 27th 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.

- 2.06 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 20th August 2014 as there was no appeal prior to that date and the compliance period would expire by 20th 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. The sale of cars has ceased in compliance with the notice. Cars have been removed from the front car park and the site tidied up but there are a significant number left in the rear car park. The owner has been given two weeks to remove these cars.
- 2.07 5 Brooklands Avenue Wimbledon Park SW19** A section 215 was issued on 1st 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 29th 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.

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.

3.0 New Enforcement Appeals

None

3.1 Existing 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

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. Final statements have been exchanged and now waiting for an inspector site visit date.

3.2 Appeals determined –

None

3.3 Prosecution case.

None

3.4 Requested updates from PAC

- 1. 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 came into effect on 9th October 2014 with a compliance period of 28 days.

- 2. Garage rear of 48 Eveline Road, Mitcham** –unauthorised use of the garage for car repairs.

This unauthorised business was investigated from April 2011 (case reference 11/E0145). However under the threat of enforcement action from the Council, the car repairs ceased and the file was subsequently closed in September 2013.

A new case has been logged (ref 14/E0502) to investigate this and given the previous history of the site, the Council will not hesitate to request Legal Services to issue an appropriate notice if the owner fails to stop the unauthorised use by the end of November 2014.

Officers have visited the site on two occasions and observed that a number of vehicles were parked in front of the garage located behind 48 Eveline Road. On both occasions, the garage doors were shut and there was nobody on site to speak to.

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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