

## **Committee:** Planning Applications Committee

**Date:** 15<sup>th</sup> January 2015

**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>1085</b> <sup>1</sup> (941)	<b>New Appeals:</b>	0 (0)
<b>New Complaints</b>	<b>233</b> (39)	<b>Instructions to Legal</b>	<b>0</b>
<b>Cases Closed</b>	<b>89</b> (19)	<b>Existing Appeals</b>	<b>1</b> (2)
No Breach:	45	<hr/>	
Breach Ceased:	44	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>33</b> (69)
Total	<b>89</b> (19)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>2</b> (1)
New Enforcement Notice issued	0	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
Total	0 (1)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period (2<sup>nd</sup> December 2014 – 5<sup>th</sup> January 2015)*). 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

**None**

### Recent Enforcement Actions

- 2.01 84 Cardinal Avenue Morden SM4** An enforcement notice was issued on 27th November 2014 against an outbuilding erected to the rear of the property. A retrospective application for its retention was refused planning permission on 28/08/14. Enforcement action was considered necessary as the property was put on the market for sale. The notice came into effect on 5th January 2014 as the Council has not been notified of an appeal prior to that date. The owners are required to demolish the outbuilding within two months.
- 2.02 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, and means of separation, fixtures and fittings facilitating the use of the dwelling as two residential units.

- 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 came into effect on 9th October 2014 (28 days after service) as there was no appeal against the notice. Some works have been carried out to tidy the site and plans are being considered for a second notice to deal with the rear garden.
- 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 have come into effect on 6<sup>th</sup> October 2014 but the Council has been notified of an appeal prior to that date. The requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding within two months.
- 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. Additional information requested was provided and the application was subsequently registered and due to be determined end of this month.
- 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). The car sales business has ceased in compliance with the requirements of 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.
- 2.08 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.

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**

- **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. An appeal has been registered and given the history of the site the Inspectorate has agreed at the Council's request, and the appeal is proceeding by way of a public enquiry to allow evidence to be tested under oath. Consultation letters have been sent out to adjoining properties and the Council's statement is due by 29th December 2014. The Council's statement was sent on 29<sup>th</sup> December 2014.
- **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 is still 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 update from PAC**

**Garage rear of 48 Eveline Road, Mitcham – Councillor Ross Garrod's update.**

An enforcement case is still under investigation (ref 14/E0502) and officers have monitored the site for some time and found the car repairs have ceased. Therefore there is no basis to issue an enforcement notice for now.

There are other domestic garages in the same location and cars parked to the rear were not always related to activities taking place at the subject garage located to the rear of 48 Eveline Road. The enforcement file will therefore be kept open until the end of January 2015 to allow further monitoring of the garage.

**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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