

Committee: Planning Applications Committee

Date: 18th June 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:

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:	912 ¹ (926)	New Appeals:	0 (0)
New Complaints	85 (39)	Instructions to Legal	0
Cases Closed	99 (48)	Existing Appeals	1 (3)
No Breach:	51	<hr/>	
Breach Ceased:	48	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	42 (38)
Total	99 (48)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	1 (0)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (2)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (12th May – 8th June 2015)*). 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

Some Recent Enforcement Actions

- 2.01 204 Tamworth Lane, Mitcham CR4**, An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. The notice would come into effect on 18th June 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

- 2.02 14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. The notice would come into effect on 5th June 2015 unless there is an appeal prior to that date and the compliance period would be three months. The requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

2.03 Tooting Medical Centre, 5 London Road, Tooting SW17. The Council served an enforcement notice on 9th April 2015 against the erection of a wooden panelled fence and a metal structure situated on top of the single storey rear part of the premises. The notice would take effect on 20th May 2015 unless an appeal is made before that date. The requirement is to remove the structure and the compliance period would be one month.

2.04 163 Central Road, Morden SM4, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would come into effect on 19th May 2015 unless there is an appeal prior to that date and the compliance period would be four months. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

2.05 49 London Road, London SW17 9JR. An enforcement notice was issued on 8/4/15 against the installation of here condenser/ventilation units to the rear elevation of the outrigger extension on the land. The notice would come into effect on 19th May 2015 unless there is an appeal prior to that date. The requirements are for the unauthorised units and associated fixtures and fittings to be removed and the resulting debris also removed from the land within one month of the effective date.

2.06 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.

There has been no further progress so consideration is being given to the possibility of taking direct action.

2.07 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.

Listed Building Consent was granted on 3rd March 2015 for most of the works which cover 1) the roof and rainwater goods, 2) masonry, chimney and render repairs 3) woodwork, glazing and both internal and external repairs. The

required works have started and officers have been informed that scaffolding would be erected soon to support the external and high level works. Officers were concerned about the section of the application which covers the Tudor part of the building so this was reserved for English Heritage advice and involvement.

It has been agreed that an archaeological survey needs to be undertaken to fully understand the evolution of the Tudor section to establish the best way forward to protect and restore it. English Heritage has now recommended a suitably qualified surveyor to the owners to carry out the needed survey. This will be monitored and further updates provided.

- 2.08 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). 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.

More cars have now been removed from the site and this is expected to continue until the site is cleared.

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 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.

The Council's final statement was sent on 27th March 2015. We are now awaiting an inspector site visit date.

3.2 Appeals determined –

1. **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.

An appeal was allowed on 19/5/15, the enforcement notice was therefore quashed and planning permission was granted for the vents.

The Inspector agreed with the Council that there has been a breach of planning control of some nature pointing out that the development that had been carried out is so substantially different from what was permitted that it cannot be regarded as a breach of condition. It amounted to unauthorised operational development.

The Inspector concluded that the Council have issued a valid enforcement notice and dismissed the appeal under ground (c) which argues that there has been no breach of planning control.

2. **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 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.

The appellant has withdrawn the appeal and has promised to remedy the breach within 3 months by returning the property into a single family dwelling.

The enquiry due for 17th June 2015 has been cancelled.

3.3 Prosecution case.

None

3.4 Requested update from PAC

38 Alwyne Road (formerly Worcester Hotel), Wimbledon, SW19 – Councillor David Holden referred to the complaint submitted to the Development Control Team alleging that this site had been converted illegally from a family dwelling house to flats.

An enforcement case (ref 15/E0215) has been logged and this is being investigated.

The property was originally built for use as dwellinghouse, which was then given retrospective planning permission in 1977 for use as a hotel. In 1997 permission was then given for a change of use back to C3 (residential), which was not implemented. Policy T.1 states that hotels, guesthouses, and bed and breakfasts should be directed to town centres and where public transport links are good. The application premises are located outside the designated town centre area of Wimbledon but is within reasonable walking distance of Wimbledon Centre. However in view of the original residential use of the property which was only changed to hotel retrospectively, and where a subsequent application granted permission for residential use. The assessment of the change of use application in 2007 was granted planning permission subject to conditions. There have been no changes in planning policy or site conditions to alter the council's assessment of a change of use from a hotel to a single residential house. Therefore the Council has no objection to renewal of the extent planning permission.

- 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**