

Committee: Planning Applications Committee

Date: 17th September 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:	896 ¹ (864)	New Appeals:	2 (3)
New Complaints	111 (38)	Instructions to Legal	3
Cases Closed	79 (60)	Existing Appeals	6 (4)
No Breach:	47	<hr/>	
Breach Ceased:	32	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	27 (48)
Total	79 (60)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (3)
New Enforcement Notice issued	5	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	1		
Total	6 (3)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (4th August – 7th September 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

- 2.01 61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date.
- 2.02 2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would come into effect on 30th September 2015 unless there is an appeal before that date. The main requirement is to remove the first floor structure within one month of the effective date.
- 2.03 1 Dovedale Rise, Mitcham CR4** - The Council served an enforcement notice on 17th August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice comes into effect on 25th September unless there is an appeal prior to that date.

- 2.04 2 Cavendish Road, Colliers Wood SW19** - The Council issued a Temporary Stop Notice (TSN) on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice came into effect immediately and required the construction works to cease for 28 days. Non-compliance would result in prosecution.
- 2.05 11 Carlingford Road Morden SM4** - An enforcement notice was issued on 10th August 2015 against the unauthorised erection of a tree house. The notice would come into effect on 21st September 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised tree house to be demolished.
- 2.06 16 Robinson Road SW17** - The Council served an enforcement notice on 5th August 2015 against the use of an outbuilding as self-contained residential accommodation with a requirement to cease the unauthorised use and remove supporting fixtures and facilities within two months of the effective date when the notice which comes into effect on 8th September 2015 unless there is an appeal prior to that date.

There has been compliance with the requirements of the notice and the file will be closed.

Recent Enforcement Actions

- 2.07 21 Church Road Mitcham CR4** The Council issued an enforcement notice on 14th July 2015 against the unauthorised erection of bicycle shelter in the front garden of the property which is in a conservation area. The notice came into effect on 25th August 2015 and it has been complied with as the structure has been dismantled. Compliance does not discharge the notice and it will remain in place to prevent the breach from re-occurring in future.
- 2.08 18 Morton Road, Morden SM4** The Council served an enforcement notice on 29th June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice of 6/8/15. The Council has been notified of an appeal and is waiting for a start date letter to confirm this.
- 2.09 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24th June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30th July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension
- 2.10 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4th June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as the balustrade. The compliance period is one month of the effective date of 15th July 2015 as there was no appeal.

The landlord has to comply by 15th August 2015 or could be prosecuted. A compliance site visit has been scheduled for the end of September and an assessment would be made.

- 2.11 49 London Road, London SW17 9JR.** An enforcement notice was issued on 8/4/15 against the installation of three condenser/ventilation units to the rear elevation of the outrigger extension on the land. The notice came into effect on 19th May 2015 as there was no appeal. 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. A planning application has been received but has not been validated as additional information on noise details has been requested for.
- 2.12 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, were meant to be completed within five months of the approval date.

Listed Building Consent was granted on 3rd March 2015 to cover the required works include:

- 1) The roof and rainwater goods,
- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers were concerned about the section of the application which covers the Tudor part of the building so this was reserved for English Heritage's advice and involvement. A new person has been suggested by the landlord to carry out the survey and this has been referred to EH for approval.

The compliance period for completing the required works was 5th August 2015. The works are still on-going and the owners' agent is to submit an application to extend the completion period

The Car lot – the 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.

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

•36 Deal Road SW17 An enforcement notice was issued on 6th July 2015 against the conversion of the property from two into three self-contained flats

involving the use of the roof space as a self-contained flat. The notice would have come into effect on 10th August 2015 but an appeal has been registered.

The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

•**24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months

3.1 Existing enforcement appeals

- **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 have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. 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 within four months.

The Council's questionnaire and consultee letters have been sent.

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, 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 within three months.

Final statements and comments have been exchanged and now awaiting an inspector site visit date.

- **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. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

The Council's statement has been sent to the Inspectorate.

- **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. The Planning Inspectorate has advised that they are behind with enforcement appeals and a site visit will be arranged shortly.

3.2 Appeals determined –

None

3.3 Prosecution case.

None

3.4 Requested update from PAC

Councillor Munn comments on:

1. **21 Church Road (the Old Vicarage).** He had reported the situation at this listed building over a year ago. He was concerned that it had taken nearly 12 months for an Enforcement Notice to be served; and that the unauthorised structure would still remain in place for a further 3 months. Cllr Munn was aware that there was huge pressure on the Council's statutory enforcement team and was concerned that the Council's ability to carry out such work should be kept under review.

From paragraph 2.07 – the notice has been complied with as required.

2. **The Burn Bullock site** and raised the following concerns and suggestions:
 - The external repairs to the building do not appear to be of a suitable quality, and he was concerned that there appeared to be little oversight of the works to the facades.
 - Rubbish was being stored next to the Tudor part of the building – itself the subject of a further report from English Heritage.
 - As this rubbish was from the building's interior he was concerned that parts of the internal structure might be damaged.
 - Internal and exterior repair works had been severely delayed necessitating a further application by the building owner to extend the permitted time period for completion.
 - He said that it was essential that arrangements should be put in place to monitor the quality of the repair works – both internally and externally – and that the assistance of English Heritage staff would be helpful.

Response

- All the rubbish has now been removed;
- The internal structure was not damaged during the removal of the internal furniture and rubbish;

- The delay is accepted by the agent now undertaking the repairs works who has submitted an application arguing that the extension of time is necessary to regularise the position and move forward to complete the works in accordance with the Repairs Notice. A scheduled of works and expected completion times have been requested to support a recommendatio0n for the time extension.
- **The Car Lot.** He said that as this was still not empty, he thought that the unauthorised business is still being carried out, he requested urgent action to require that the Notice, which came into effect in August 2014, was complied with.

. **Response** – the landlord has been given up to the end of September to clear cars associated with the car sale business from the car park.

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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