

RENEWAL AND RECREATION PORTFOLIO

Minutes of the meeting held on 19 July 2010

Present:

Councillors Councillor Julian Benington

Also Present:

Councillor Nick Milner

1 DECLARATIONS OF INTEREST

There were no declarations.

2 MINUTES OF THE MEETING HELD ON 31ST MARCH 2010

The Part 1 minutes were agreed.

3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions.

4 NON-COMPLIANCE WITH ENFORCEMENT NOTICE 10 HOMEFIELD ROAD, BROMLEY BR1 3AL

Report DRR/10/00076

The owner of Land at 10 Homefield Road, Bromley BR1 3AL had failed to take the action required to comply with an Enforcement Notice regarding the complete removal of railings around a flat roof balcony.

Following authorisation and the setting of a date for direct action the owner confirmed that he had removed the railings but a subsequent site visit revealed that a section adjacent to the neighbouring property remained with a fence panel attached to it. No information had been forthcoming to suggest that there was any intention to comply with the enforcement notice and harm was ongoing to the amenities of neighbouring properties.

The Portfolio Holder was shown photographs indicating that the section of railings adjacent to the neighbouring property still remained with a fence panel attached and the Portfolio Holder accordingly approved the recommendations before him.

RESOLVED that:

- (i) the previously authorised direct action be proceeded with so that steps required by the Enforcement Notice can be complied with and the remaining railings removed; and**
- (ii) additionally, and thereafter, the costs (including any abortive costs) be recovered from the owner, and if necessary, a charge be placed on the Land.**

5 APPLICATION FOR INJUNCTION UNDER S187B OR DIRECT ACTION UNDER S178 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), IN RESPECT OF LAND KNOWN AS HAMPTON HALL, 1A HOLBROOK LANE, CHISLEHURST, KENT BR7 6PE

Report LDCS10134

Approval was sought to obtain an injunction order or take direct action against the owner of land known as Hampton Hall, 1A Holbrook Lane, Chislehurst, BR7 6PE - this being in response to the owner's continued failure to comply with an Enforcement Notice (Breach of Condition) dated 26th January 2007.

The Portfolio Holder was provided with a summarised planning and enforcement history of the site. This included reference to an application (DC/05/00497/FULL) for a detached two storey four bedroom house with detached double garage and access driveway which was refused and subsequently allowed on appeal on 26th October 2005 followed by a correction notice issued on 11th November 2005.

The appeal was allowed subject to conditions. In particular condition 7 stated: *“Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting this Order) no building, structure or alteration permitted by Classes A, B, C or E of Part 1 of Schedule 2 of the 1995 Order, shall be erected or made within the curtilage of building hereby approved without the prior approval of the Local Planning Authority.”*

On 26th January 2007 an enforcement notice was issued against the owner for failing to comply with condition 7 of the permission; the owner had inserted ten windows (roof lights) in the roof space of the property without the required approval. The owner subsequently appealed against the notice and the appeal was dismissed on 2nd November 2007. The notice was upheld subject to a variation which allowed four of the ten windows. The notice required the removal of the remaining six windows which had not been complied with.

On 7th May 2009, the Council successfully prosecuted the owner for failing to comply with the requirements of the notice. The owner was fined and ordered to pay the Council's costs. The owner subsequently appealed to the Crown

Court against the conviction and costs but the appeal was dismissed and the owner was ordered to pay additional costs.

In order to regularise the breach the Owner had submitted a number of applications of which two were withdrawn, two were refused and three the Council declined to determine. Brief details were provided to the Portfolio Holder. The Portfolio Holder was also advised that the estimated costs of any proposed Direct Action works under Section 178 of the Town and Country Planning Act 1990 would be £20k.

The report before the Portfolio Holder also provided advice on matters to consider when arriving at a decision and the proximity of the roof windows was shown to the Portfolio Holder at the meeting.

Members were advised that a holding account could be set up for the costs of the Direct Action works and the Portfolio Holder indicated his support for this. The Director added that it might be worthwhile seeking Executive approval for the provision of a special account to be used in covering the Council's costs of Direct Action cases and again this was supported by the Portfolio Holder.

Members were also advised that the report had not been considered by Plans Sub Committee No.2 on 15th July 2010 and would instead be considered by Plans Sub Committee No.3 on 29th July 2010.

RESOLVED

(1) Direct action be approved to achieve the steps required by the Enforcement Notice, namely that -

a) all windows inserted into the roof space of the dwelling that were required to be removed by the Enforcement Notice as amended by the Planning Inspector be removed; and

b) the roof be reconstructed and the resulting gaps left by the removal of the windows be tiled with tiles of a similar type and colour to those used on the remainder of the roof.

(2) The costs incurred as a result of steps taken by the Council to ensure compliance with the notice be recovered and a charge be attached to the land.

(3) Approval be sought from the Executive for the provision of a special account designated to the Council's costs in Direct Action cases.

6 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

**7 EXEMPT MINUTES OF THE MEETING HELD ON 31ST MARCH
2010**

The Part 2 minutes were agreed.

The Meeting ended at 6.12 pm

Chairman