

Decision Maker: RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Wednesday 5 July 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: ENFORCEMENT MONITORING REPORT (APRIL 2016 TO MARCH 2017)

Contact Officer: John Stephenson, Planning Appeals and Enforcement Manager
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Chief Officer: Chief Planner

Ward: (All Wards);

1. Reason for report

This report provides an update of enforcement activity from 1 April 2016 to 31 March 2017

2. **RECOMMENDATION(S)**

Members note the report

Impact on Vulnerable Adults and Children

1. Summary of Impact: None directly from this report
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment :
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning- Appeals and Enforcement Section
 4. Total current budget for this head: £359.8k
 5. Source of funding: Existing revenue budgets 2016/17
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Personnel

1. Number of staff (current and additional): 7.98 FTES
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Town and Country Planning Acts :
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: None directly from this report
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 In the period April 2016 to March 2017 the Council registered 664 new complaints about alleged breaches of planning control. These are summarised in the table below. This compares with approximately 649 complaints registered in the previous year.

Planning Enforcement range of complaints 2016/2017

Range of complaints		
Operational Development	223	33%
Untidy Sites (S215)	55	8%
Commercial Activity	23	3%
Breach of condition	72	10%
Adverts	53	7%
Boundary treatment	43	6%
Plans - not built according to	89	13%
Commercial vehicle - parking of	1	0.1%
Change of Use	97	14%
Access	0	0%
Shop shutters	6	0.9%
Satellite Dishes	2	0.3%
Other	0	0%
TOTAL	664	100%

3.2

In terms of enforcement activity, 65 enforcement notices were issued in respect of breaches of planning control in the period April 2016 to March 2017, in other cases, negotiation led to matters being resolved before notices were issued.

Type of Notice	Number of Notices issued 2016/17
Building operations	29
Material Change of Use	9
Untidy Site	11
Breach of Condition	6
Planning Contravention Notice	10
Stop Notice	0
Total	65

3.3 The majority of enforcement action is authorised under Delegated Authority and a list of cases where delegated enforcement action has been taken is regularly reported to Development Control Committee. In addition a monthly report of notices issued is circulated to all Members.

3.5 A wide range of complaints were received but the most frequent relate to operational development 33%, Breach of conditions 10%, not built in accordance with plans 13%, untidy sites 8%, and change of use 14%. A substantial number of complaints are received which do not involve breaches of planning control which are not recorded on the planning enforcement monitoring system. These include some non-planning issues such as boundary disputes, anti-social behaviour and other civil matters which fall outside the remit of planning control. These unregistered complaints are investigated and researched and advice given back to the complainant, via the telephone or emails. This still involves considerable staff resources to maintain the service, this involves an estimated average of approximately 10 new emails per day.

3.6 In cases where an enforcement notice has been effective and not been complied with, the Council may exercise its powers of prosecution. The Council is currently in the process of prosecuting on the following cases.

Babbacombe Road – located in the Plaistow and Sundridge Ward. In Court on 21st June 2017 for non-compliance with an Enforcement Notice.

Grovelands Road – located in the Cray Valley West Ward, currently awaiting outcome of Court hearing – being dealt with under Single Justice Procedure.

Windsor Drive – located in the Chelsfield and Pratts Bottom Ward, held in abeyance, new planning application received 19th May 2017.

Copers Cope Road - located in the Copers Cope Ward, non-compliance with an Enforcement Notice.

The Drive – located in the Copers Cope Ward, Non-Compliance with an Enforcement Notice and non-compliance with a Section 215 Notice for an untidy site.

3.7 In some cases which involve direct action officers will prepare a report to present to committee for authorisation from Members as this enforcement action may involve some considerable financial cost to the Council. A charge can be considered by the Council in order to recover the Councils initial cost together with the appropriate interest rate charged until the bill is paid

4 Proceeds of Crime Act or POCA, Planning Enforcement have already successfully embarked on utilising this available tool in a prosecution test case in Maple Road – located in the Penge and Cator Ward, this new initiative included working jointly with Trading Standards and our Legal Services colleagues to take appropriate action where necessary to recover some costs from the Asset Recovery Incentivisation Scheme. Further work is currently underway with the view of taking further action under POCA as and when a case is clearly identified and meets the necessary criteria.

5 Planning Enforcement is complaints led service. At least 95% of our cases for investigation are reported to us directly from local residents/ward councillors, members of the public or interested parties who may be directly affected by the development in some way.

Non-Applicable Sections:	Policy, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	N/A