

Report to Development Control Committee

Agenda
Item:

A.2

Meeting Date: 2nd June 2017

Portfolio:

Key Decision: No

Within Policy and
Budget Framework

NO

Public / Private Public

Title: QUARTERLY REPORT ON PLANNING ENFORCEMENT

Report of: Corporate Director of Economic Development

Report Number: ED.21/17

Purpose / Summary:

This report presents an update on the scope of activities undertaken by the Council's Planning/Landscapes Compliance and Enforcement Officer.

Recommendations:

That Members note the contents of this report.

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

1.1 In February 2016 an updated local enforcement plan was presented to members. The policy sets out enforcement priorities and standards as well as identifying service to customers. A training workshop was held with members in October 2016 to consider and feed into the plan.

1.2 In order to manage resources appropriately, the plan adopts a 'priority system' for responding to, and dealing with alleged breaches of planning control. These priorities numbered 1 – 4 are as follows:

Priority 1 – any immediate and irreparable harm to the natural or built environment, or public safety

Priority 2 – any unauthorised development or activity which causes clear and continuous harm or danger to amenity

Priority 3 – any unauthorised development or activity where there is a risk of material harm to the environment and/or some harm to residential amenity

Priority 4 – other breaches of planning

The priority of an alleged breach may alter during the course of an investigation if circumstances change or new information is obtained. Any change in priority will be agreed by the planning enforcement officer in consultation with the Development Manager or Principal Planning Officer.

1.3 Depending on resources and volume of cases, priority response times for initial investigation are targeted to be:

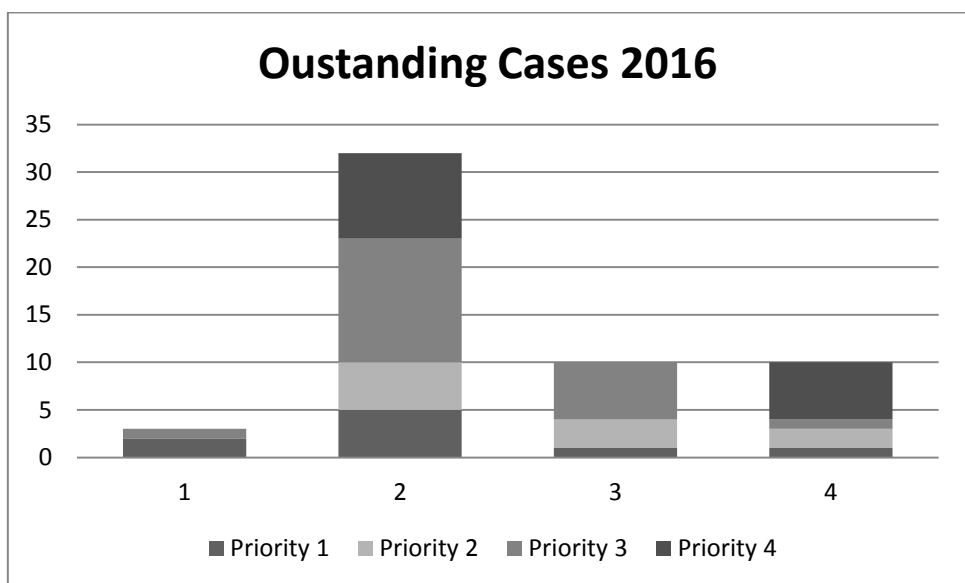
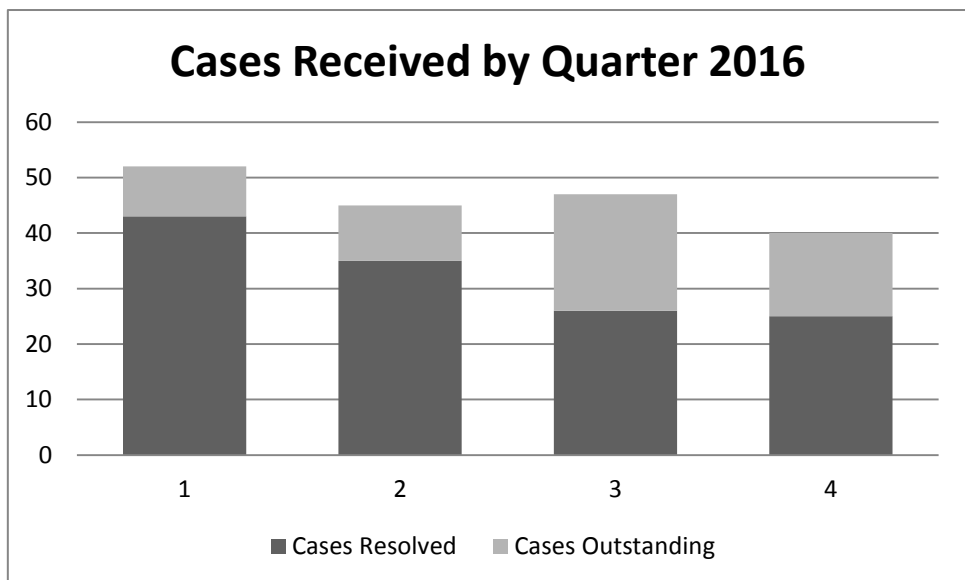
- Priority 1 – 1/2 weeks
- Priority 2 – 2/3 weeks
- Priority 3 – 3/4 weeks
- Priority 4 – 4+ weeks

1.4 All open enforcement cases have now been prioritised accordingly to this system and figures can be seen below.

2. OVERVIEW OF ACTIVITY – 2016

Period	Cases received	Cases resolved	Cases On-going	Priority of on-going cases			
				<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
1 Jan – 31 st March	52	43	9	2	5	1	1
1 st April –	45	35	10	0	5	3	2

30th June				
1st July – 30th Sept	47	26	21	1 13 6 1
1st Oct – 31st Dec	40	25	15	0 9 0 6



OVERVIEW OF ACTIVITY - 2017

Period	Cases received	Cases resolved	Cases On-going	Priority of on-going cases			
				<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
1 Jan – 31 st March	78	48	30	2	13	8	7

Many outstanding priority 2 cases (72% in 2016) relate to unauthorised work to listed buildings (namely installation of upvc windows), breaches in a conservation areas including advertising without consent. Due to the similarity of these cases, whilst each has to be treated on their own merits, officers are ensuring a consistent approach to dealing with these cases over the coming weeks.

3. ENFORCEMENT NOTICES UPDATE

Land to rear of South View, The Green, Houghton (Ref EC/16/0009)

The land is being used for the storage of multiple motor vehicles. Further Enforcement notices were issued on 10th April 2017 effective from 15th May 2017. The time of compliance given is 2 months from the effective date. Notices have been issued to all land owners and now includes all land around the property registered to the owners. Measures have been taken by the landowner to deal with the enforcement matters and an appeal has been lodged with the Planning Inspectorate.

15 St Nicholas St, Carlisle (Ref EC/15/0059)

Removal of Chimney breast, fireplace, jambs and lintels without Listed Building Consent. An Enforcement notice was issued on 10th April 2017 effective from 15th May 2017. The time of compliance given is 6 months from the effective date. Discussions with the property owner regarding compliance and timescales are ongoing.

95 Burgh Road, (Ref EC/12/0042)

This has been an open case from 2012, with a clean-up of the untidy garden in 2014. However the land has continued to deteriorate and cause on-going problems to neighbours and impact on the amenity of the area in general. It was decided in February 2017 to issue a Community Protection Notice, which, if not complied with, gives the Local Authority powers to prosecute under the Anti-social behaviour, Crime and Policing Act 2014, or issue a Fixed Penalty Notice. This CPN has been prepared and is in the process of being finalised.

Former Centurion Inn, Walton (EC/16/0003)

Members received a report concerning this property in April 2017. The compliance period for the enforcement notice has passed and officers have sought to resolve outstanding matters with the property owner. Court action remains an option.

Skelton House (EC/16/0024)

This Enforcement Notice was the subject of appeal which was heard at the same time as related appeals against planning refusals. A mixed decision was issued and the Inspector has upheld elements of the Notice while dismissing others. Planning Application 17/0304 has been submitted by the property owner in order to deal with the outstanding enforcement matters.

Car Park at Crown Street, Carlisle (Ref EC/15/0074)

This area of land was previously used as a builder's yard with ancillary car parking for employees and customers visiting Carlisle Glass Ltd. Carlisle Glass vacated the building and the land was opened up as a public Pay and Display Car Park. As such, the land is no longer available for prospective occupiers and visitors to other users of the building. No planning application has been forthcoming and the Council considers it expedient to take enforcement action under Policy T1 (Parking Guidelines for Development) of the Carlisle District Local Plan 2001-2016 for the following reasons:

- The availability of public car parking in the vicinity
- The impact of parking provision on the environment of the surrounding area
- The likely impact on the surrounding road network
- Accessibility by and availability of other forms of transport.

Enforcement Notices (Material Change of Use) were served on the landowners on the grounds of 'Change of use of the land formerly used as a builder's yard with ancillary parking for employees and visitors to a public 'pay and display' car park'. The compliance period has expired and the terms of the notice have not been complied with. Site Visit was made on 3rd May 2017 and activity of the same nature continues. Further action is under consideration.

4. RECOMMENDATION

That members note the contents of this report.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES – not applicable

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**Appendices
attached to report: None**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Community Services – n/a

Corporate Support and Resources – n/a

Economic Development – Included in report

Governance and Regulatory Services – Enforcement should be carried out in accordance with legislation and national guidance as well as having regard to the Council's enforcement plan.