

Report to: **Planning Committee**

Date of Meeting: **28 August 2011**

Subject: **Planning Enforcement Update**

Report of: **Head of Planning Services**

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

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Purpose/Summary: **To inform Planning Committee of the enforcement workload for the April to June 2011 (second) quarter and to give an update on the progress of cases where formal action has been taken/authorised.**

**Recommendation(s) That the Committee:**

- (i) Note the volume of enforcement activity and progress set out in attached schedules.**
- (ii) Note the areas of outstanding work set out in paragraphs 1-5 and the action being taken.**

How does the decision contribute to the Council's Corporate Objectives?

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		✓	
2	Jobs and Prosperity	✓		
3	Environmental Sustainability	✓		
4	Health and Well-Being		✓	
5	Children and Young People		✓	
6	Creating Safe Communities		✓	
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

Reasons for the Recommendation:

What will it cost and how will it be financed?

- (A) Revenue Costs
- (B) Capital Costs none

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal – Any enforcement activity would need to be carried out in accordance with the powers contained in the Town and Country Planning Act and associated legislation, ensure that relevant Human Rights are taken into account and complies with local enforcement protocols.	
Human Resources – none	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance (**FD192**) and Head of Corporate Legal Services (**LD272/11**) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Contact Officer: **Peter Evans** Telephone: **0151 934 3570**

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

**PLANNING ENFORCEMENT UPDATE**  
**April – June 2011**

**1. Introduction**

The following tables show the workload of the planning enforcement staff for the second quarter of 2011 (1 April to 30 June 2011), and a brief overview/summary of statistics/ and work undertaken.

**2. Number of new cases**

**204**

	<b>April – June</b>	<b>Jan - Mar</b>	<b>Total</b>
<b>Total</b>	<b>204</b>	<b>202</b>	<b>406</b>

**Year on year comparison**

	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
Total	406	378	432	357	377	439	418	407	511	460	423	472

**Notices served**

	<b>April-June</b>	<b>Jan-Mar</b>	<b>Total</b>
<b>Enforcement</b>	<b>5</b>	<b>5</b>	<b>10</b>
<b>Stop</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Breach of Condition</b>	<b>0</b>	<b>3</b>	<b>3</b>
<b>Section 215</b>	<b>2</b>	<b>3</b>	<b>5</b>
<b>PCN</b>	<b>8</b>	<b>6</b>	<b>14</b>
<b>Section 330</b>	<b>2</b>	<b>3</b>	<b>5</b>
<b>Anti-social High Hedges</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Discontinuance (adverts)</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Retrospective applications & fees generated**

	<b>April-June</b>		<b>Jan-Mar</b>		<b>Total</b>	
	<i>Apps</i>	<i>Fees</i>	<i>Apps</i>	<i>Fees</i>	<i>Apps</i>	<i>Fees</i>
Total	<b>38</b>	<b>£7,030</b>	30	£6,500	68	£13,530

**Number of ongoing investigations/cases including condition monitoring.**

Total	247
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**Number of cases/complaints resolved**

	<b>April-June</b>	Jan-March	Total.
Total	<b>154</b>	174	428

### Number of general written enquiries

	<b>April-June</b>	Jan-March	Total.
Total	<b>32</b>	17	49

### Discharge of Conditions

	<b>April – June</b>	Jan – March	<b>Total</b>
<b>Applications received</b>	<b>37</b>	37	74
<b>Decisions Made</b>	<b>40</b>	38	78

Applications Pending – 18.

### Fees generated for discharge of conditions applications.

	<b>April – June</b>	Jan – March	<b>Total</b>
<b>TOTAL</b>	<b>£2,560</b>	£3,095	<b>£5,655</b>

### Year on Year Comparison

	<b>2011</b>	<b>2010</b>
<b>Applications Received</b>	<b>74</b>	<b>90</b>
<b>Decisions made</b>	<b>78</b>	<b>89</b>
<b>Fees generated</b>	<b>£5,655</b>	<b>£6,970</b>
<b>Applications pending</b>	<b>18</b>	<b>35</b>

### High hedges

Formal complaints (enforcement notice)	0
Information packs sent out	24
Complaints (Initial Assessments)	0

1. The varied service the enforcement team offers continues to achieve a high level of success. The number of complaints received between January and June (first & second quarters) shows an increase compared to last year. The size and complexity of cases constantly varies and this is reflected in the time it can take to negotiate, and in the majority of cases positively resolve the planning related issues without requirement for formal action.

2. The enforcement team embraces the principles of development management. It remains the priority and purpose to resolve any breach of planning control without recourse to formal action. The small number of enforcement notices so far served highlights and emphasises officer's ability and commitment to achieve this.
3. The enforcement officers are committed to adapting to necessary change caused by legislative amendment. The service has not diminished despite officers taking on a more varied role. This includes retrospective planning applications being processed, variation of condition and non-material amendment applications along with discharge of condition applications.
4. Members should note that despite increasing permitted development rights this has not reduced the team's ability to often resolve disputes with the successful submission of a (retrospective) planning application and this is reflected in a significant number of retrospective applications being submitted.
5. The Head of Planning Services is extremely pleased with progress on enforcement work and recommends committee notes the contents of this report.



# Outstanding Enforcement Cases - By Area Committee

## Crosby

**Ward:** *Blundellsands*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>7 Blundellsands Road East, Crosby</b>	Del	25/05/2011	Yes	Pending	

Enforcement notice - req - Remove timber fencing from boundary wall & remove 4 x bick pillars or reduce height of 4 x brick pillars to a maximum height of 900mm.  
Retrospective planning application refused 18/03/2011 Ref: S/2011/0189.  
Awaiting outcome of appeal.

# Outstanding Enforcement Cases - By Area Committee

## Crosby

**Ward:** Church

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>8 Geves Gardens, Waterloo</b>	Del	25/05/2011	Yes	Pending	

Enforcement Notice - req - remove outbuilding from front of dwelling house.  
Retrospective application refused 2 March 2011 Ref: S/2011/0028.  
Awaiting outcome of appeal,

<b>15 Galloway Road, Waterloo</b>	Del	17/03/2010	Yes	Pending	
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Enforcement Notice - req - cease using 3 rooms as s/c flats, remove elfin units and locks on doors.  
Public Hearing 4 November 2010 cancelled, new date of 25 & 26 Jan 2011 also now adjourned due to judicial review by Milton Keynes Council.  
Awaiting date for new Public Hearing.

<b>63 Handfield Road, Waterloo</b>	Del	17/03/2010	Yes	Pending	
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Enforcement Notice - req - Cease using premises as s/c flats & remove all elfin units & locks on doors,& cease using as HMO.  
Public Hearing 4 November 2010 cancelled, new date of 25 & 26 Jan 2011 also now adjourned due to judicial review by Milton Keynes Council.  
Awaiting date for new Public Hearing.



# Outstanding Enforcement Cases - By Area Committee

## Crosby

**Ward:** Manor

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>The White House, Ince Lane, Thornton</b>	Del	08/10/2010	Yes	Dismissed	

Listed Building Enforcement Notice - req - remove front boundary railings & gates.  
New planning application submitted for amended boundary treatment.  
Situation being monitored.

<b>The Windmill, Moor Lane, Crosby</b>	del	27/02/2008	No		30/10/2009
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Listed Building Enforcement Notice - req - remove all ground floor windows, porch rear extension & wrap around extension, reinstate all openings on ground floor to their original state.  
Remove all upvc windows & replace with timber windows.,  
Listed Building consent approved to remove render,  
Further application submitted, invalid currently under negotiation and moving forward.  
On going negotiations with Conservation Team,  
Situation being monitored.

# Outstanding Enforcement Cases - By Area Committee

## Formby

**Ward:** *Harington*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>3 Woodlands Close, Formby</b>	Del	07/01/2010	No		18/05/2011

Anti-Social Behaviour Act 2003 - Section 69 - High Hedges - req - Reduce by 2 stages the height of hedging on boundary over a period of 15 months relating to 3 properties. Situation being monitored.

<b>81 Church Road, Formby</b>	Del	20/05/2011	N/A		20/07/2011
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Section 215 Notice - req - remove from land all timber, roofing slates, tyres, stone, furniture & household items, rubble, concrete, bricks, soil, plastic, general rubbish & waste materials & leave the land in a clean & tidy condition.  
Land cleared 215 Notice complied with.  
No further action.

# Outstanding Enforcement Cases - By Area Committee

## Formby

**Ward:** *Ravenmeols*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Formby Football Club, Altcar Road, Formby</b>	Del	11/02/2010	No		11/04/2010

Enforcement Notice - req - Remove the ball retention netting & supporting poles as marked on attached plan.  
Appeal received but withdrawn 22 April 2010.  
Partly removed, planning application anticipated for remainder.  
No progress.

<b>Formby Football Club, Altcar Road, Formby</b>	Del	11/02/2010	No	11/04/2010
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Enforcement Notice - req - Cease using the land for siting of portacabins marked as S1 & S2 on plan B and remove portacabins from land.  
Appeal received but withdrawn on 22 April 2010.  
Occupiers have addressed a limited number of breaches while there are discussions concerning possible alterations.

<b>Formby Football Club, Altcar Road, Formby</b>	Del	11/02/2010	No	11/04/2010
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Enforcement notice - req - Cease the use of land for siting of portacabin marked S5 on plan & remove portacabin.  
Appeal received but withdrawn on 22 April 2010.

<b>Formby Football Club, Altcar Road, Formby</b>	Del	11/02/2010	No	11/04/2010
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Enforcement notice - req - cease using the land for siting of portacabin as marked S15 on attached plan & remove portacabin.  
Appeal received but withdrawn on 22 April 2010.

# Outstanding Enforcement Cases - By Area Committee

## *Linacre & Derby*

**Ward:** *Derby*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>4 Langdale Street, Bootle</b>	Del	02/11/2010	Yes	Dismissed	02/03/2012

Enforcement notice - req - remove/break up concrete base, demolish or reduce to 1 metre in height perimeter block walls.  
Appeal dismissed, enforcement notice upheld but compliance period is extended to 12 months.  
Situation being monitored.

<b>273 Hawthorne Road, Bootle</b>	Del	05/01/2011	Yes	Pending
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Enforcement Notice - req - remove white upvc shop front & reinstate shop front in timber to match existing (conservation area), awaiting appeal decision.

# Outstanding Enforcement Cases - By Area Committee

## *Linacre & Derby*

**Ward:** *Linacre*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>55-57 Merton Road, Bootle</b>	Del	17/03/2010	Yes	Pending	

Enforcement notice - req - cease using the premises as s/c flats, remove all elfi units & locks on doors & cease using as a HMO.  
Public Hearing 4 November 2010 cancelled, new date of 25 & 26 Jan 2011 also now adjourned due to judicial review by Milton Keynes Council.  
Awaiting date for new Public Hearing.

<b>113 Knowsley Road, Bootle</b>	Del	27/06/2011	N/A		23/08/2011
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Section 215 Notice - Untidy land/Building in Disrepair - Carry out remedial works to secure vacant property.  
Works in de-fault to be carried out funded by Stepclever.

# Outstanding Enforcement Cases - By Area Committee

## Sefton East

Ward: *Park*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>The Chestnuts, Lunt Road, Sefton</b>	Del	30/04/2010	N/A		30/04/2012

Breach of Condition Notice - req - carry out the development in accordance with approved plans attached to planning approval Ref: S/2000/0264. situation being monitored.

<b>The Chestnuts, Lunt Road, Sefton</b>	Del	30/04/2010	No	04/06/2012
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Listed Building Enforcement Notice req -demolish 4no. Curved splayed brick boundary walls, brick pillars, remove wrought iron gates & reinstate stone plinth .- compliance period date 4 Aug 2010 ,  
Revised scheme submitted as an application for approval of details reserved by condition of S/2000/0264.  
Also remove UPVC windows & rainwater goods.

Listed Building consent now granted for alternative design front boundary wall & gates.  
Compliance period to comply with enf. notice now comes into effect - 1 April 2011.  
Notice not complied with, prosecution proceedings to be instigated.

# Outstanding Enforcement Cases - By Area Committee

## Sefton East

**Ward:** *Sudell*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>5 Old Forge Row, Maghull</b>	del	11/03/2011	N/A	Pending	11/05/2011

Breach of condition notice - req - carry out the cdevelopment in accordance with approved plans, specifically install the 'juliet' balcony to first floor rear elevation & cease using flat roof of single storey projection as a balcony or outdoor sitting area.

No action is to be taken pending appeal decision on enforcement notice requiring removal of handrail.

<b>5 Old Forge Row, Maghull</b>	del	11/03/2011	Yes	Pending
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Enforcement Notice - req - remove handrail & balustrade from flat roof of single storey projection conservatory at rear of dwelling house and all resultant materials. Awaiting appeal decision.

# Outstanding Enforcement Cases - By Area Committee

## Southport

Ward: *Birkdale*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>266A Liverpool Road, Southport</b>	Del	24/03/2011	No		28/05/2011

Enforcement Notice - req - remove metal storage container from land  
Container removed - Enf. Notice comply with.  
No further action.

<b>36 Crescent Road, Southport</b>	Del	18/08/2010	Yes	Dismissed	18/02/2011
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Enforcement Notice - req - remove brick pillars & wall or reduce to a height of 1 metre to front boundary of property.  
Appeal dismissed, new compliance date of 18/2/11.  
new planning app submitted & approved Ref: 2011/0203.  
New planning permission to be implemented or enforcement notice to be complied with.  
Works ongoing to comply to implement a new planning approval.  
Situation being monitored.

<b>161 Liverpool Road, Southport</b>	Del	18/01/2011	N/A		18/06/2011
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Breach of Condition Notice - req - Implement the proposed access in accordance with approved plans attached to pp Ref: N/2002/1051.

All properties now sold to new owner.  
major renovations works being undertaken to all properties in accordance with PP.



# Outstanding Enforcement Cases - By Area Committee

## Southport

**Ward:** Cambridge

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>32 Alexandra Road, Southport</b>	Del	11/06/2010	No		28/09/2010

Section 215 Notice - Untidy Land/Building in Disrepair - req - Carry out remedial works to property including board over/secure & paint windows, replace/paint barge & fascia boards, remove waste materials.

Notice not complied with, refer to Legal for prosecution proceedings to commence.

Building now demolished.

Prosecution proceedings adjourned till 11 August 2011.

<b>garage no. 2 to rear of 46 Alexandra Road, Southport</b>	Del	24/01/2011	No		28/05/2011
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Enforcement Notice - req - cease using garage no. 1 for commercial storage purposes.

Enforcement Notice complied with.

No further action.

# Outstanding Enforcement Cases - By Area Committee

## Southport

**Ward:** Dukes

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>2A Lord Street West, Southport</b>	Del	19/01/2009	No		23/10/2010

Listed Building enforcement Notice - req - remove all upvc windows & doors and replace with timber windows & doors in accordance with approved plans N/2006/0610 & N/2008/0611.

Further application submitted and approved.

Enf. notice reissued with compliance extended to December 2010

part complied with.

Situation being monitored,

Extended compliance period agreed.

<b>The Windmill Public House, 12&amp; 14 Seabank Road, Southport</b>	Del	01/07/2010	No		28/08/2010
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Enforcement Notice - req - cease using structure as a smoking shelter, remove polycarbonate sheets & supports, remove close boarded fence or reduce to 1 metre in height.

Planning application submitted to retain structure remains invalid.

Notice not complied with.

Now referred to legal to commence prosecution proceedings.

<b>22 Gloucester Road, Birkdale</b>	Del	01/04/2011	Yes	Pending	06/07/2011
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Enforcement Notice - req - remove front boundary wall, pillar, gate piers & gates & reinstate the stone gate piers or reduce height of boundary wall, pillar, gate piers & gates to a height not to exceed 1 metre from ground level.

# Outstanding Enforcement Cases - By Area Committee

## *Southport*

**Ward:** *Kew*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>162 Hampton Road, Southport</b>	Del	12/01/2011	N/A		12/06/2011

Section 215 Notice -Untidy land/buildings in disrepair - req carry out remedial works to the property including painting and remove scaffolding.  
Compliance period extended to August.

<b>126 Linaker Street, Southport</b>	Del	09/05/2011			11/07/2011
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Enforcement Notice - req - remove fence panels, posts & gates or remove fence panels & posts & reduce height of the gate to a height not in excess of 1 metre.

# Outstanding Enforcement Cases - By Area Committee

## *Southport*

**Ward:** *Meols*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>17 The Causeway, Southport</b>	Del	18/01/2011	N/A		18/06/2011

Section 215 Notice - Untidy Land/Buildings in Disrepair req - scaffolding, and waste materials and leave the land in a clean & tidy condition.  
215 Notice complied with.  
No further action.

# Outstanding Enforcement Cases - By Area Committee

## *Southport*

**Ward:** *Norwood*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>140A Norwood Road, Southport</b>	Del	18/10/2010	Yes	Dismissed	31/01/2011

Enforcement Notice - req - remove the additional security fencing (razor wire) from existing boundary walls & fences.

Appeal dismissed, .

All works complete enforcement notice complied with.

No further action

# Outstanding Enforcement Cases - By Area Committee

## *St Oswald, Netherton & Orrell*

**Ward:** *Netherton & Orrell*

Site of Unauthorised Development	Date Action Authorised	Date of Notice	Appeal Lodged	Decision	Date for Compliance
<b>Bestway Ltd - Heysham Road, Netherton</b>	Del	19/05/2011	Yes	Pending	

Enforcement Notice - req - remove sprinkler tank & pump housing unit from front of premises, retrospective planning application refused 16/12/2010 Ref: S/2010/1442.  
Awaiting outcome of appeal against pp refusal & enf. Notice.