

REPORT FOR: Planning Committee

Date of Meeting: 21 April 2010

Subject: INFORMATION REPORT – Planning Enforcement Update

Responsible Officer: Stephen Kelly, Divisional Director - Planning

Portfolio Holder: Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise

Exempt: No

Enclosures: none

Section 1 – Summary

This report advises members of default planning enforcement activity carried out by the Planning Enforcement Team, pursuant to powers delegated to the Divisional Director by the Planning Committee in September 2009. The report provides details and information of the breaches remedied and advises on the next steps proposed in each case.

FOR INFORMATION

Section 2 – Report

Background

At the meeting of the planning committee in September 2009, the Committee extended the delegation of planning enforcement functions to the Divisional Director. This delegation included authority to undertake “direct action” to rectify planning breaches.

On 8th April 2010, the Planning enforcement service carried out three such actions at:

- **Land to rear of 78 Cecil Road** – demolition of an unauthorised outbuilding;
- **127 Ruskin Gardens** – removal of materials and equipment associated with unauthorised use of property as a builders yard and;
- **Moretons Court, Harrow View** – removal of unauthorised 48 sheet advertisement hoarding.

A brief summary of the actions together with photographs is provided for information below.

Land to rear of 78 Cecil Road



This unauthorised development was carried out in 2001. An enforcement notice was served in 2002 and in 2004 the Council sought to prosecute the owner of the building for failing to comply with the terms of the EN.

This is a longstanding breach that resulted in harm to the appearance of the street (see photograph). At the time of demolition of the structure on 8 April 2010 officers have also found used syringes within the building, suggesting its use for drug taking and other potentially antisocial activities. Given that the owners had not sought to resolve the breach, despite earlier efforts by the Council to prosecute for the breach of the enforcement notice, officers considered direct action to demolish the building was the most expedient approach in this case.

The EN required demolition of the building entirely. This would have rendered the site open and the boundary to the garden at No 8, unprotected by means of any wall or order enclosure. Accordingly, in demolishing the structure, the Council's contractors retained the rear wall (to ensure continued security of No 8) and part of the side wall, to define the boundary – in line with other properties in the street.

Officers are now reviewing the case for prosecution and recovery of the costs of the action from the owners of the property.



127 Ruskin Gardens



In 2003 the Council received complaints about the unauthorised change of use of the property at No 127 Ruskin Gardens from a semi detached dwelling house to a builder's yard. Site visits confirmed considerable amounts of building material and equipment, together with associated vehicles were being parked/stored at the site. An enforcement notice, issued in 2006 came into effect on 2nd August 2006. The enforcement notice required:

- I. Immediately cease the Unauthorised Use on the Land;*
- II. Permanently remove all bricks, scaffolding, ladders, steel mesh, tarpaulins, wood/timber, piping, steel, metal, framing, metal and plastic drums/containers, metal storage container, and plastic materials drums/containers, metal storage container, chipboard, plaster, steel, metal, plastic materials and all material and equipment related to the use of the Land as a builders yard from the Land;*
- III. Permanently remove the commercial vehicles from the Land;*
- IV. Reduce the height of the fence at the front of the Land, adjacent to the highway, to a height not exceeding 1 metre above ground level;*
- V. Permanently remove all material arising out of compliance with (iv) above.*

Despite monitoring the site, the owners appear to have taken no action to secure regularisation of the breach. In line with the direction set out in earlier reports to the Planning Committee, officers considered that the most effective means to remedy the breach was to undertake action in default to comply with the terms of the enforcement notice.

On 8th April, the Council carried out works to clear the building materials. In anticipation of the action, the owner of the site had already removed some of the vehicles from the site. Some 6 lorry loads of material were removed from the site by the end of the day. This amounts to a partial clear up of the site. The owner has been advised of the Council's intention to return to the site to remove the remaining material, in the event that this is not carried out by the owner within a specified period.

The effect of the action has been to significantly reduce the amount of material stored on the site (see photo below), to open up the site and garden to the property and to prevent (or at least reduce) the intensity of the use carried out from the premises. The Council will now seek to secure full compliance with the notice and are now reviewing the case for prosecution of the owner of the property and recovery of costs of the action.



Moreton Court, Harrow View



In September 2009 the Council was notified of a new 48 sheet advertisement hoarding erected without consent in the grounds of the recently constructed flats on this former garage site. The hoarding was considered to be a harmful and prominent addition to the street scene that harmed the amenity of the area and was contrary to Policy D4 of the Harrow UDP. Accordingly, using S11 of the London Local Authorities Act 1995 the Council served notices seeking the removal of the sign. The notice was not complied with and on 8th April, the Council secured removal of the advertisement.

The Council will now be reviewing its position with regard to recovery of the costs for these works.



Section 4 – Financial Implications

The costs of undertaking the action were allocated within and have been covered by the allocation within the service budget. The Council is nevertheless entitled to seek to recover the costs from these actions and accordingly, officers will be seeking to recover the costs expended by the service in securing compliance in line with the revisions of the legislation.

The costs associated with any subsequent prosecution for the breach will also be covered from within the existing service budget and provision has been made for such purposes within the service budget. There are considered to be no long term financial liabilities arising from the three cases identified above.

Section 5 – Corporate Priorities

The action carried out meets development plan (Harrow UDP) planning policy objectives and accords with the Councils Corporate priority to secure cleaner and safer streets and build stronger communities, by ensuring that planning enforcement is effective.

Name: Kanta Hirani



on behalf of the
Chief Financial Officer

Date: 14 April 2010

Section 6 - Contact Details and Background Papers

Contact: Stephen Kelly Divisional Director – Planning 020 8736 6149

Background Papers: None.