

4.0 Caseload and progress

4.1 65 new enforcement enquiries were investigated between July and September 2014, and a total of 52 investigations concluded in the quarter.

4.2 In all, a total of 131 different planning investigations were worked on between July and September. 98 cases remain under investigation.

4.3 The following identifies some of the areas of work undertaken during the quarter, excluding specific cases identified in Appendix 2, or in section 5.0 below:

- Monitoring is taking place at a number of locations around the City to check on permitted business opening/trading times, as well as on works/deliveries at some construction sites, following complaints
- An increasing amount of unauthorised signage is being displayed around the City. Officers are addressing this by removing signage from the highways, giving requisite 48 hours notice for private land, and advising persistent offenders (including flyposters) of the Council's powers to prosecute.
- The planning enforcement team are working closely with the owners of two sites in the City where development has commenced without planning permission, and where the potential harm merits consideration of a Temporary Stop Notice, legally obliging the developers to stop works. Works have stopped at one site, pending further discussion, while the other site has continued under close supervision of the Council's drainage engineer, following submission of details.
- Unauthorised uses of land continue to be numerous and varied, with current investigations including (mostly from residential properties) the operation of vehicle related activities (particularly repairs), children's nurseries, commercial catering, double glazing storage and a tattoo parlour!

4.4 Other works undertaken in the quarter include:

- A full audit of the council's s106 monitoring systems have been undertaken, with no issues raised, and one recommendation to prepare desk guidance so other officers are able to understand the system used (in the same vein as the team's 'Enforcement Manual')
- The Senior Planning Compliance Officer has taken the lead on producing a draft Corporate Enforcement Policy, which should add 'weight' to other subject specific enforcement policies adopted by other departments.

5.0 Formal action

5.1 When the Council's requirements are not met, following a reasonable time period to comply, and where the breach is considered to be serious, then formal action will be taken to remedy a planning breach. This usually involves some or all of the following:

- Service of a Notice
- Prosecution
- Works undertaken and re-charged to the landowner (works in default)

5.2 Appendix 2 identifies those cases where a Notice has been served or was in force at 1st October 2014, showing progress against stated requirements. 6 new Notices were served between July and September 2014, with 3 Notices complied with in the same period. 14 Notices are awaiting compliance, with the following Notice the subject of an enforcement appeal:

- Unit 4, 151 Bristol Road - Unauthorised change of use from storage unit to car repairs

5.3 Direct action was undertaken during the quarter in respect of the following:

- 4 Glencairn Avenue - untidy garden cleared.

The costs of these works are usually charged to the owner, and in all cases will remain as a charge (with interest) against the property until such time as it is paid.

6.0 Alternative Options Considered

6.1 This report is for information only, and therefore the consideration of other options is not relevant.

7.0 Reasons for Recommendations

7.1 To give Members the opportunity to scrutinise the work of the planning enforcement team, be aware of individual cases, and have the opportunity to ask any questions or raise any other matters of interest.

8.0 Future Work and Conclusions

8.1 The Planning Enforcement team currently has 98 cases under investigation, and will receive further enquiries during the October to December 2014 quarter, working to try to resolve or meet a satisfactory outcome on as many of these cases as possible.

8.2 Two cases are due to heard at Cheltenham Magistrates Court during the quarter, following deferral.

8.3 Early discussions are and will continue to take place regarding whether or not the team might play a role in monitoring the provisions Community Infrastructure Levy.

8.4 The Planning Enforcement Officer will respond to the recommendations of the s106 audit, as highlighted in section 4.4

8.5 The review of working practices continues, with emphasis on providing more information on the website according to type of allegation received, and producing 'scripting' for the Contact Centre, in order that they can better direct customers to or away from planning enforcement as the enquiry requires. Where any of the proposed changes vary from the approach approved by the Planning Enforcement Policy, they will be brought to committee for members' consideration.

9.0 Financial Implications

- 9.1 The cost to the Council is officer time which includes legal officer's time, in carrying out enforcement duties. Where direct action is taken the costs of any works is derived from recovered court costs and other monies reclaimed through the direct action. As there is no allocated budget for these works, the scope of direct action is limited. Financial Services have been consulted in the preparation this report.

10.0 Legal Implications

- 10.1 The Council has a range of powers available to it to enforce breaches of planning legislation. These powers are supplemented by the policies and procedures adopted by the Council, which are followed when dealing with potential breaches. Having adopted policies and procedures for planning enforcement helps to minimize the risk of Judicial Review and maladministration complaints and ensures that appropriate enforcement action is taken. Whilst prosecution is an option open to the Council, it isn't always the most cost effective method of enforcement, and it may not necessarily lead to a planning breach being remedied; it can often only lead to the securing of a conviction. Direct action is a last resort, but is necessary in some circumstances, and often more cost effective. Legal Services have been consulted in the preparation this report.

11.0 Risk & Opportunity Management Implications

- 11.1 There is no risk to the authority connected with this report, as it is for information only

12.0 People Impact Assessment (PIA):

- 12.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion in this report

13.0 Other Corporate Implications

- 13.1 It is considered that there are no other corporate implications not already covered within the report

Background Documents: None

APPENDIX 1 –ENFORCEMENT ACTIVITY

	2010 TOT	2011 TOT	2012 TOT	2013 TOT	JAN- MAR 2014	APR- JUNE 2014	JULY- SEPT 2014	OCT- DEC 2014	2014 TOT
NEW ENQUIRIES RECEIVED	303	287	314	308	45	94	65		204
TYPE OF BREACH (New enquiries):									
Operational development	57	95	94	98	14	24	23		61
Breach of Condition	33	27	28	31	4	15	5		24
Unauthorised change of use	66	68	60	70	14	17	16		47
Works affecting a Listed Building	2	5	9	9	3	1	0		4
Unauthorised advertisement	92	62	94	40	4	18	7		29
Section 215 (Untidy land / property)	45	24	21	41	4	17	13		34
General Amenity	0	4	2	1	0	0	0		0
Tree Preservation Order	1	0	1	0	0	0	0		0
Conservation Area	7	2	4	16	2	2	1		5
Not Planning Enforcement	0	0	1	2	0	0	0		0
PROGRESS:									
Total cases worked on in qtr				421	160	151	131		421
Unresolved at qtr end	140	88	123	112	72	85	98		72
<i>Total Notices issued</i>	19	17	23	23	8	6	6		20
<i>Total prosecutions</i>	7	5	1	3	3	0	0		3
<i>Total cases closed</i>	272	338	280	319	85	81	52		218
REASON FOR CASE CLOSURE:									
No evidence of breach	80	100	82	107	18	19	14		51
No further action taken	47	68	37	59	16	17	12		45
Complied with	126	153	140	116	37	35	20		92
Retrospective Planning Permission given	17	17	21	37	11	9	6		26
Other Powers Used					3	1	0		4

APPENDIX 2 – NOTICES IN EFFECT – 1st OCTOBER 2014

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
3 Conduit Street	<i>Untidy garden</i>	<i>S215 Notice</i>	<i>Works completed, and Notice complied with</i>
115 Southgate Street	<i>Removal of hanging signs and other advertising devices</i>	<i>Listed Buildings Enforcement Notice</i>	<i>Removed – Notice complied with</i>
107 Cheltenham Road	Untidy garden	S215 Notice	Owner has been in contact to advise that works will be undertaken in October
Land adjacent to Gospel Hall, Matson	Field not reinstated to previous condition (including levels) following use as a works compound	Enforcement Notice	First requirement, to remove spoil and level land, due by December 2014.
30 Quail Close	Unauthorised change of use from residential to mixed residential childcare nursery	Enforcement Notice (Material Change of Use)	Use must cease no later than 18th November
Former GLOSCAT, Brunswick Road	Works/deliveries taking place outside permitted hours	Breach of Conditions Notice	Ongoing monitoring – no breaches observed or reported since Notice served
4 Glencairn Avenue	<i>Overgrown garden</i>	<i>S215 Notice</i>	<i>Works not completed, so undertaken in default by council appointed contractor, and charged back to</i>

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
			<i>the occupiers.</i>
47-49 Worcester Street	Unauthorised changes to windows and door (within the Worcester Street Conservation Area) – UPVC replacements	Enforcement Notice	Replacement scheme agreed with Conservation, mostly implemented, awaiting works to be completed to second floor.
55 Worcester Street	Unauthorised changes to shopfront including installation of roller shutters (within the Worcester Street Conservation Area)	Enforcement Notice	Notice re-issued requiring approved details to be implemented. Must be complied with by 26th November 2014
151 Bristol Road	Unauthorised change of use from storage unit to car repairs	Enforcement Notice	Appeal against Notice currently under way.
Manor Farm, Kingsway	Change of use from barns to offices, unauthorised enclosures (Scheduled Ancient Monument)	Enforcement Notice	Application under consideration to retain use and works undertaken (further unauthorised works undertaken to create access).
35 London Road	Unauthorised changes to shopfront	Enforcement Notice	Works not undertaken – legal action pending
138 Stroud Road	Unauthorised changes to shopfront works	Enforcement Notice	Retrospective planning application refused, works not undertaken, legal action pending

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
PictureDrome, 162-170 Barton Street	Removal of historic features, including raked floor, theatre seating, heating system and box room. (Grade II Listed Building)	Listed Building Enforcement Notice	New lessee drawing up renovation plans which should address unauthorised changes / repair damage.
21 Stroud Road (Hay House)	Works undertaken not in compliance with permission and in breach of a number of conditions – relating to design features, materials and finishings	Enforcement Notice	Works schedule and timetable agreed with owner and City Council's Urban Design, Conservation and Planning teams. These works are nearing completion.
97 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Alternative scheme given planning approval, awaiting implementation. These works are nearing completion.
122 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Alternative scheme given planning approval, awaiting implementation.

Notices in bold served within July to September 2014 quarter

Notices in italics have been complied with or otherwise concluded during July to September 2014 quarter