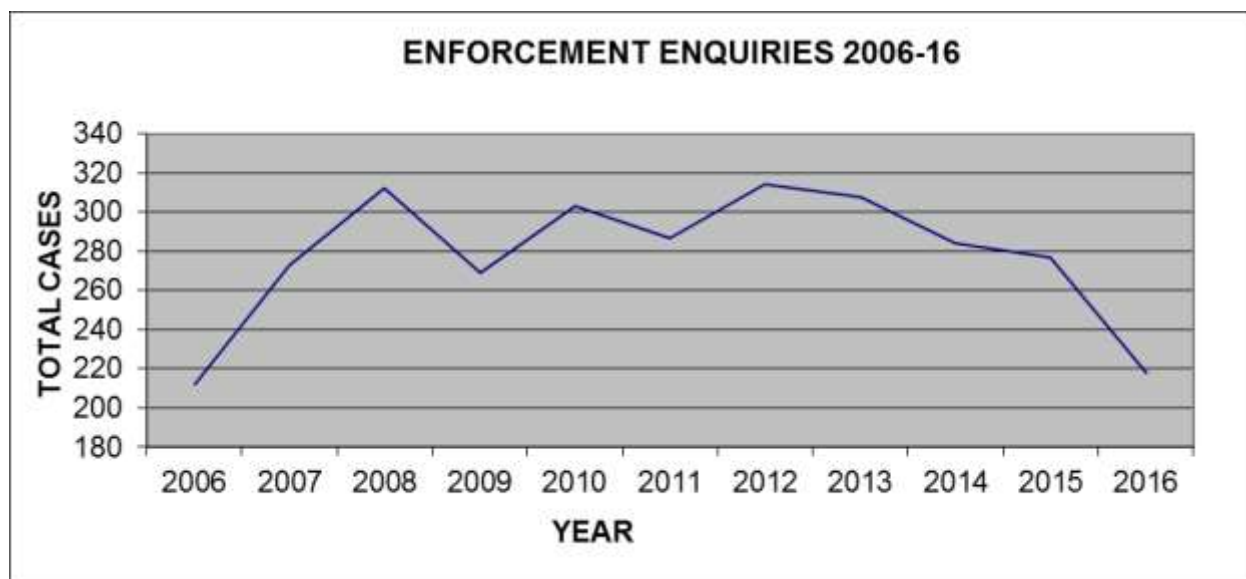


3.3 Up until June 2016 the team operated according to the provisions of the Planning Enforcement Plan, approved by members in September 2013, and revised (with member approval) in November 2015. This policy is supported by a set of customer service standards, priorities for action, and is supplemented by agreed office procedures. However, changes to the function will inevitably mean that this Plan, and customer service standards, will need to be revised and presented back to members for their consideration.

4.0 Caseload and progress

4.1 109 new enforcement enquiries have been investigated to date in 2016. A more detailed breakdown of performance, including types of cases investigated, is provided in Appendix 1.

4.2 The number of new enquiries investigated has dropped year on year from a high of 314 cases in 2012 to 277 in 2015. This is mainly due to the team operating a better 'triage' system to sift out enquiries where no planning breach has taken place, but also as due to a number of factors including the relocation of planning enforcement into the Public Protection team, and work on other projects. This number is likely to drop sharply in 2016 while 'interim arrangements' are in place, and until such time as the team is fully resourced.



4.3 The number of cases concluded remains high, at 145 for the year, and this reflects a number of factors. While the number of cases resolved to the Council's satisfaction remains high, there have also been a higher number of cases where the team has had to make a judgement on the expediency of taking further action, in order to ensure that the priority cases receive the focus and resources they require.

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 merit action in the public interest, then formal action will be pursued 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 July 2016, showing progress against the Council's stated requirements. 11 new Notices were served between January and June 2016, with (another) 8 complied with in the same period. 14 Notices are currently awaiting compliance.

5.3 Enforcement appeals:

- *90 Longford Lane* – Unauthorised conversion of an outbuilding to a unit of self-contained accommodation, independent from the main dwellinghouse.

A planning application was made in 2013 to seek permission for this change of use, was refused by Planning Committee, and dismissed on appeal. The owners nevertheless converted the building into self-contained accommodation. An Enforcement Notice was served to cease this use, and was appealed on the grounds that there has been no breach of planning regulations. The Planning Inspectorate has upheld the Council's decision, and the owner is now required to ensure that the building is no longer lived in, including making internal changes to the building.

Appeals have been made against the following Notices, but because of a conflict of interest, these are being dealt with by Development Control Manager:

- *Land at 7 St Albans Road (Keyway)* – engineering operations. Appeal submitted June 2016, awaiting 'start letter' from the Planning Inspectorate.
- *Land at Cherry Tree Cottage* – raising of land levels, unauthorised accommodation, enclosure of land. Appeal submitted June 2016, awaiting 'start letter' from the Planning Inspectorate.
- *Ferndale Villa, Naas Lane* – Use of static caravan as an independent unit of accommodation. Awaiting Planning Inspector's visit, and decision.

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

- 106 Eastgate Street - Improvements to shopfront, including painting part of the façade
- 25 Vetch Close – Untidy rear garden cleared

The costs incurred in undertaking direct action are usually charged to the owner, and will normally remain as a charge (with interest) against the property until such time as it is paid.

6.0 Other work

6.1 As outlined in Section 3, a review of the planning enforcement role and how it is delivered is being undertaken, and this will have significant implications for future work.

- 6.2 Under threat of bankruptcy proceedings, and the enforced sale of the property, the owner of 71 Nine Elms Road has paid debts to the Council totalling more than £6,000, following direct action to clear and tidy his land on 2 occasions.
- 6.3 The team have been working closely with neighbouring authorities to share 'good practice', with a visit undertaken to South Gloucestershire Council, and a visit from Cotswold District Council, who are looking to set up a similar s106 monitoring system to the one set up in Gloucester (and which has recouped more than £1m 'bad debt') .

7.0 Alternative Options Considered

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

8.0 Reasons for Recommendations

- 8.1 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.

9.0 Future Work and Conclusions

- 9.1 The Senior Planning Compliance Officer currently has 54 cases under investigation, and will receive further enquiries during the July to December 2016 period, working to try to resolve or meet a satisfactory outcome in as many of these cases as possible.
- 9.2 Internal audit are currently undertaking a review of s106 systems, and the conclusions are awaited

10.0 Financial Implications

- 10.1 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 sought from those responsible for the breach, and remains as a charge against the land until such time as it is paid. Financial Services have been consulted in the preparation this report.

11.0 Legal Implications

- 11.1 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.

12.0 Risk & Opportunity Management Implications

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

13.0 People Impact Assessment (PIA):

13.1 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

14.0 Other Corporate Implications

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

Background Documents: None

APPENDIX 1 –ENFORCEMENT ACTIVITY

	<i>2012 TOT</i>	<i>2013 TOT</i>	<i>2014 TOT</i>	<i>2015 TOT</i>	<i>2016 to date</i>
NEW INVESTIGATIONS UNDERTAKEN	314	308	284	277	109
TYPE OF BREACH (New enquiries):					
Operational development	94	98	88	114	41
Breach of Condition	28	31	31	22	20
Unauthorised change of use	60	70	60	67	30
Works affecting a Listed Building	9	9	6	8	3
Unauthorised advertisement	94	40	50	30	4
Section 215 (Untidy land / property)	21	41	43	24	6
General Amenity	2	1	0	1	2
Tree Preservation Order	1	0	0	0	0
Conservation Area	4	16	6	11	3
Not Planning Enforcement	1	2	0	0	0
PROGRESS:					
Total cases worked on in period		421	396	384	199
Unresolved at period end	123	112	102	90	54
<i>Total Notices issued</i>	23	23	29	12	11
<i>Total prosecutions</i>	1	3	3	0	0
<i>Total cases closed</i>	280	319	294	289	145
REASON FOR CASE CLOSURE:					
No evidence of breach	82	107	73	105	50
No further action taken	37	59	54	39	38
Complied with	140	116	127	110	40
Retrospective Planning Permission given	21	37	35	35	16
Other Powers Used			5		1

APPENDIX 2 – NOTICES IN EFFECT – 1st JULY 2016

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
93 Westgate Street	Damage to rear wall of Listed Building, knocked through to insert a door	Listed Buildings Enforcement Notice	Compliance period not yet reached
255 Stroud Road	Breach of condition – obscure glazed side window removed	Breach of Conditions Notice	Compliance period not yet reached – however owner has been in contact to confirm that works to permanently fasten and obscure window will be undertaken.
13 Parkwood Crescent	Untidy front side and rear gardens	S215 Notice	Some works already undertaken, extension to end of September agreed for area of garden where nesting birds present.
42 Hopewell Street	Untidy rear garden	S215 Notice	Compliance period not yet reached
25 Damson Close	Significant amount of public verge land enclosed into private garden	Enforcement Notice	Compliance period not yet reached
Cherry Tree Cottage	Unauthorised development to construct house, stationing of mobile home, raised land levels, and unauthorised enclosure, including	Enforcement Notice	Notice appealed

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
	land not in applicant's ownership		
7 St Albans Road (Keyway)	Removal of landscape (visual and acoustic) bund and replacement with unauthorised concrete block wall	Enforcement Notice	Notice appealed
Ferndale Villa	Use of static caravan as a unit of independent accommodation	Enforcement Notice	Notice appealed
2 Fairmile Gardens	Untidy land to front side and rear gardens, consisting of overgrown vegetation and discarded items on land	S215 Notice	Direct action to be undertaken in August to clear the land, and cost charged back to the owner
34 Badminton Road	<i>Extension being used as a unit of independent accommodation</i>	<i>Enforcement Notice</i>	<i>Notice complied with, unauthorised use ceased</i>
<i>Former RAF Club, 6 Spa Road</i>	<i>Untidy frontage, including herras fencing, affecting listed Building</i>	<i>Listed Buildings Enforcement Notice</i>	<i>Works undertaken as required</i>
<i>61 Redwell Road</i>	<i>Untidy land</i>	<i>S215</i>	<i>Works undertaken as required</i>
<i>25 Vetch Close</i>	<i>Untidy land</i>	<i>S215</i>	<i>Works undertaken in default, costs charged back to the owner</i>

ADDRESS	BREACH	TYPE OF NOTICE	STATUS
106 Eastgate Street	<i>Untidy building</i>	<i>S215 Notice</i>	<i>Works undertaken as required</i>
Land to rear of 72 Forest View Road	<i>Failure to comply with landscape, boundary and drainage requirements</i>	<i>Enforcement Notice</i>	<i>Works now complete.</i>
55 Worcester Street	<i>Unauthorised changes to shopfront including installation of roller shutters (within the Worcester Street Conservation Area)</i>	<i>Enforcement Notice</i>	<i>Works complete, render applied and other issues resolved.</i>
35 London Road	<i>Unauthorised changes to shopfront</i>	<i>Enforcement Notice</i>	<i>Notice substantially complied with.</i>
Sevenside Farm	Further information required relating to various works and operations on the land	Planning Contravention Notice	Notice only part completed, legal action being considered as part of other actions on site
90 Longford Lane	Use of outbuilding as a self contained unit of living accommodation	Enforcement Notice	Appeal dismissed – occupant relocating in August and works to be carried out once vacant.
Land adjacent to Gospel Hall, Matson	Field not reinstated to previous condition (including levels) following use as a works compound	Enforcement Notice	Planning permission received to provide sports pitches on the land – timing of works conditioned, but missed. Awaiting legal advice.

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	Legal action under discussion
122 Eastgate Street	Unauthorised alterations to shopfront within Eastgate and St Michael's Conservation Area	Enforcement Notice	Works almost complete

Notices in bold served within January to June 2016 period

Notices in italics have been complied with or otherwise concluded during January to June 2016 period.