

**INFORMATION ITEM - SIX MONTHLY REPORT ON PLANNING ENFORCEMENT:
1ST JULY 2010 – 31ST DECEMBER 2010**

To: Planning Committee
Date: 2nd February 2011
From: Senior Enforcement Officer

[K254]

1. Purpose

- 1.1 This is a six monthly update to the Planning Committee, reporting details of complaints received, levels of work outstanding, and cases resolved, during the reporting period. A 'case' is an allegation of a breach of planning control consisting of an unauthorised operational development or use, failure to comply with a planning condition imposed on a planning permission, or development other than in accordance with an approved plan. Additionally it includes illegal advertisements and unauthorised works to listed buildings and protected trees.
- 1.2 Finally it highlights proactive work undertaken, in connection with monitoring planning conditions and Section 106 agreements.

2. Caseload

- 2.1 There were 196 unresolved and outstanding cases brought forward into this reporting period.
- 2.2 There were 136 new cases received in this 6-month period, giving a total number of cases of 332.
- 2.3 As at 31/12/10 there were 216 cases outstanding. 116 cases have been investigated, resolved and closed.

3. Case Closure data

- 3.1 Of the 116 cases closed above, the following information has been captured regarding the reason for their closure. The last accounting periods figures are shown in brackets for comparison.
- Referred to other section 1% (1%)
 - Lawful by passage of time 2% (3%)
 - No further action 6% (7%)
 - Permitted Development 10% (7%)
 - Remedied following informal action 14% (15%)
 - Planning Application Approved 12% (12.5%) £26,3605 for calendar year.
 - No breach established 51% (37%)
 - Other 4% (16.5%)
 - De minimis 0% (1%)

4. New Formal Notices

- 4.1 The following formal notices have been served during the reporting period-
- Land NE of 77 Paddock Street, Soham –Breach of Condition Notice
 - Fencabs, Market Street Ely-Planning Contravention Notice
 - Fencabs, Market Street Ely-Breach of Condition Notice
 - 1 Station Road Haddenham-Planning Contravention Notice
 - Tone Scaffolding, Soham Road, Fordham
 - Land Adjacent 6 Black Horse Drove-Requisition of Information Notice
 - Hale Fen, Littleport-Requisition of Information Notice
 - Dolver Farm, Long Dolver Drove Soham -Requisition of Information Notice

5. Ombudsman Cases

- 5.1 Two cases received. In one case, the investigation has been completed by the ombudsman and no maladministration found. The other case is ongoing.

6. High Hedges

- 6.1 No cases received.

7. Development And Section 106 (S106) Monitoring

- 7.1 This combined role of Development and S106 Monitoring remains an important area of the enforcement team's duties and underpins Development Control. Proactive monitoring of planning conditions not only ensures that development is undertaken in compliance with planning approval, but is useful for identifying problems at an initial stage and also has a deterrent value. Similarly, proactive monitoring of S106 Agreements ensures timely receipt of funding for other community facilities.

Planning Case Monitoring

- 7.2 Even with the limitation on resources, the monitoring of developments recorded by Building Control as commenced, has continued to be prioritized in this period. Cases deemed likely to be permitted development, are only checked where resources permit, and priority is given to larger developments. During the period July - December 2010, in total 340 commencements were checked. 121 of these cases were deemed as not requiring planning permission. 219 cases were subject to planning permission and 147 cases were selected for active monitoring.

Section 106 (S106) Case Monitoring

- 7.3 As a result of the lower threshold for the requirement for Planning Obligation agreements, between 1st July 2010 and 31st Dec 2010 sixteen agreements were signed compared with just three in the corresponding period in 2009.

7.4 S106 Receipts in the period include:

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|--|-------------|
| Land at Littleport Community Primary School (Persimmon development) | £212,688.00 |
| The Birches, Soham (Persimmon development) | £23,834.20 |
| Land to the rear of 85 and 87 Lynn Road, Ely (Freshwater Estates development) | £20,230.65 |
| Land at Wisbech Road, Littleport (Hereward Housing development) | £9,640.00 |
| Ex Griggs site off Townsend, Soham (Hopkins Homes development) | £7,095.13 |
| Land at 10 Upherds Lane, Ely | £5,000.00 |
| 31 Waterside, Isleham | £1,800.00 |

7.5 Outstanding S106 financial payments / other facilities are currently being sought on the following cases:

1. Oak Farm, Little Downham - with Legal.
2. Lynn Road, Ely – with Legal.

7.6 There have been no new cases in the period where developers have been taken into administration / liquidation and where S106 obligations are outstanding.

8. Appeals and prosecutions

8.1 A public inquiry in relation to an enforcement appeal regarding land at Wildtracks Ltd, Kennett, is scheduled to be held at Espace North, Littleport on 1st February.

8.2 Proceedings before Ely Magistrates were withdrawn against Stretham Stores in relation to illegal advertisements on the A10.

8.3 There are several additional cases, which are currently awaiting review that may also end in court.

9. Summary

9.1 The level of new complaints registered has reduced from last years high, and is now broadly comparable with previous years. However, more complaints are now dealt with at the initial enquiry stage, and not raised into files. These are not reflected in the figures above.

9.2 Case closure data is comparable with the previous reporting period, with the exception of an increase in cases closed where no breach was found. (37%-51%). This increase is apparent and recognised by the Enforcement Team, as more vexatious complaints (both in terms of volume and harassment) are being received. Many complaints now involve complainants instructing solicitors to act for them, which takes additional resource to address.

9.3 A significant amount of income has been received in the calendar year due to enforcement action. Over £26,000 in planning fee income has been generated

by enforcement action and S106 receipts have accounted for approximately £270,000.

- 9.4 Preparation for a public inquiry has been time consuming during this period, and will continue to be over the next few weeks. There are also further cases to prepare for proceedings during the coming weeks, which will reduce the resources available to deal with the ongoing caseload.
- 9.5 The current level of work dictates that those cases which are causing the most harm in the district, will be given priority. This will mean that some cases, (where there is little or no harm to amenity or the environment, or where there is a technical breach only,) will take longer to resolve or may not be pursued. This is in line with PPG18 and Circular 10/97.
- 9.6 As is current practice, where a breach of planning control is in existence but is not pursued, a report and audit trail is available showing the reasons given for the decision. Should Parishes or Members require any details on a specific case they are welcome to contact the Enforcement Team.