

**INFORMATION ITEM - SIX MONTHLY REPORT ON PLANNING ENFORCEMENT:
1ST JANUARY 2011 – 30TH JUNE 2011**

To: Planning Committee

Date: 3rd August 2011

From: Andy Smith, Senior Enforcement Officer

[L75]

1.0 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.

2.0 CASELOAD

2.1 There were 216 unresolved and outstanding cases brought forward into this reporting period.

2.2 There were 135 (136 last period) new cases received in this 6-month period, giving a total number of cases available of 351.

2.3 As at 30/06/11 there were 216 cases outstanding. 135 (116 last period) cases have been investigated, resolved and closed.

3.0 CASE CLOSURE DATA

3.1 Of the cases closed above, the following information has been captured regarding the reason for their closure. The last accounting period's figures are shown in brackets for comparison.

- Referred to other section 1% (1%)
- Lawful by passage of time 2% (2%)
- No further action 11% (6%)
- Permitted Development 5% (10%)
- Remedied following informal action 14%(14%)
- Planning Application Approved 8% (12%).

- No breach established 48% (51%)
- Other 9% (4%)
- Prosecution 2% (0%)

4.0 **NEW FORMAL NOTICES**

The following formal notices have been served during the reporting period-

- Dolver Farm, Dolver Drove, Soham-Enforcement Notice
- Quarterway House, Little Thetford-Planning Contravention Notice
- Deanta UK, Straight Furlong, Pymoor- Planning Contravention Notice
- Café Nero, High Street Ely- Planning Contravention Notice x2
- Langley's Gym, Stretham Road, Wilburton- Planning Contravention Notice
- Murfitts Transport, Wisbech Road, Littleport- Planning Contravention Notice
- Land at Dimmocks Cote Bridge, Wicken- Planning Contravention Notice
- Poppies Bistro, Churchgate Road, Soham-S330 notice

5.0 **OMBUDSMAN CASES**

5.1 Two cases received- no maladministration found.

6.0 **HIGH HEDGES**

6.1 One received and ongoing.

7.0 **DEVELOPMENT AND 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 01 Jan 2011 – 30 Jun 2011, in total 311 commencements were checked. 100 of these cases were deemed as not requiring planning permission. 211 cases were subject to planning permission and 113 cases were selected for active monitoring.

Section 106 Case Monitoring

7.3 Between 1st January 2011 and 30th June 2011 twenty-one agreements were signed. This compares with 19 agreements in the corresponding period last year.

7.4 S106 Receipts in the period include:

Land off Bell Road, Bottisham (David Wilson Homes development)	£42,928.26
Development at Walsingham Way, Ely (Sanctuary Group development)	£45,933.01
Development at Lisle Lane for Sainsburys	£932,100.01
Juniper House, Stretham	£4,222.00
Ex Griggs site off Townsend, Soham (Hopkins Homes development)	£16,265.70
Development off Wisbech Road, Littleport (Matthew Homes)	£112,985.00

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.
3. Public Open Space at Padnal, Littleport
4. 31 Waterside, Isleham – payment in lieu of POS

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.

8.0 APPEALS AND PROSECUTIONS

8.1 The Planning Inspectorate upheld the enforcement notice in relation to Clay shooting at Wildtracks, Kennett following a 5 day public inquiry.

8.2 Proceedings against Doughty Walker Ltd of Queen Adelaide commenced and were withdrawn when the company accepted a formal caution.

8.3 Trial listed for 15th July in relation to non-compliance with an enforcement notice by Steven Layn Holdings Ltd, Saxon Business Park, Littleport who has pleaded not guilty to the offence. This has now been postponed to the 30th September due to the court double booking court time on this day

8.4 There are several additional cases, which are currently awaiting review that may involve the service of formal notice and/ or summons to court.

9.0 **SUMMARY**

- 9.1 The number of new complaints received in this period is the same as that investigated and closed; but is higher than the previous 6 months. (135 cases investigated and closed in this period whereas 115 were closed in the 6 months ending December 2010.) Additionally, as two cases in this period have taken considerable time and resource to progress, this does reflect a good and improving performance given the resource available.
- 9.2 We have kept up with the number of new complaints received in this period, but there are over 200 reactive investigations ongoing and outstanding. These have to be carefully monitored to ensure that the number of cases where formal action is taken matches the resources to deal with the resultant appeals and court cases. Whilst we are just about able to manage the status quo we cannot accurately forecast what may be around the corner, and have little internal flexibility to cope with peaks.
- 9.3 The percentages of cases closed for the reasons given at 3 above are broadly comparable with the previous 6 months. Although the number of cases closed where there is no breach remains high, it is likely that the majority of these conclusions can only be reached after inspecting the site and investigating the matter.
- 9.4 A significant amount of S106 income has been received in this period and remains a prioritized area. This does have a knock effect on the amount of proactive work the team is able to do in relation to condition monitoring. Similarly as more S106 agreements are now being completed, extra pressure will be put on those developments where conditions are monitored.
- 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.