

PLANNING COMMITTEE**15 JULY 2021**

REPORT TITLE: Development Management performance update-
Enforcement activity for calendar year 2020

REPORT OF: Director for Regeneration & Place

REPORT SUMMARY

The purpose of this report is to update Members on the performance of the Development Management Service with regard to its planning enforcement activity for the period of 1st January 2021 to 31st March 2021 and also for the period 1st April 2021 to 30th June 2021.

The performance of the enforcement service will be reported to Planning Committee on a quarterly basis moving forward.

This matter affects all Wards within the Borough.

The matter is not a Key Decision.

RECOMMENDATIONS

It is recommended that the report be noted.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

1.1 So that Members can be appraised for the performance of the Development Management Service with regards its enforcement activity.

2.0 OTHER OPTIONS CONSIDERED

2.1 As this report is for information, no alternative options are recommended.

3.0 BACKGROUND INFORMATION

Performance and workloads

3.1 The Planning Enforcement Policy sets out how the enforcement service will be delivered and defines the standards to be met. We aim to send an acknowledgement letter to the complainant within 5 working days of receipt of the enquiry, and we aim to conduct our first site visit within 15 working days.

3.2 We also aim for 80% of cases to reach a 'key milestone' within 13 weeks of receipt of the initial enquiry. A key milestone is one of the following:

- date on which it is established that there has been no breach of planning control,
- date on which a retrospective planning application is submitted,
- date on which a breach of planning control is remedied through negotiation,
- date on which it is deemed not to be expedient to take formal enforcement action
- date on which formal action (such as the service of an enforcement notice) is taken
- date on which its established that the time limit has passed for the Council to take enforcement action.

3.3 Between 1st January 2021 and 31st March 2021 a total of 68 new cases were opened.

3.4 During that same period, 62 cases reached a key milestone, of which 56% of these key milestones were reached within 13 weeks. The impact of Covid 19 is also discussed later in this report.

3.5 Between 1st January 20221 and 31st March 2021, 49 cases were closed.

3.6 Between 1st April 2021 and 30th June 2021 at total of 139 new cases were opened.

3.7 During that same period, 120 cases reached a key milestone, of which 86% of these key milestones were reached within 13 weeks. The impact of Covid 19 is also discussed later in this report.

3.8 Between 1st April 2021 and 30th June 2021, 118 cases were closed.

3.9 The majority of the Planning Enforcement team's work remains reactive, responding to reports about possible breaches of planning control. The impact of Covid 19 is discussed later in this report.

Summary of impact of COVID 19

3.10 Throughout the pandemic, the team has continued to carry out site visits necessary to investigate allegations of a breach of planning control. Safeguards have however been put in place to ensure the safety of officers and the public, including not entering any buildings, pre-arranging site visits where possible, requesting that complainants provide information and

evidence where possible, and rigid compliance with social distancing measures.

- 3.11 This has led to some delays in commencing our investigations and some cases, such as those that require an internal inspection of a building for example, have not yet been progressed. These cases will be progressed when it is safe to do so.
- 3.12 Home working has also proved a challenge with significant changes to systems and processes being implemented to enable the service to continue to function effectively.
- 3.13 We have also had to show some lenience in terms of time periods afforded to people to take steps to remedy breaches of planning control during this period.

Formal enforcement action

- 3.14 Formal action is discretionary and only taken as a last resort when all attempts to resolve the matter informally have been exhausted. Formal notices are therefore only served in cases where negotiation has not proven successful, and it is expedient to do so. The majority of cases are resolved through negotiation.
- 3.15 No formal enforcement notices or breach of condition notices or Planning Contravention notices were issued between 1st January 2021 and 30th June 2021.

Key successes

- 3.16 Examples of some of the key successes achieved during the two quarters are set out below:
- (i) **Land at corner of Alfred Road and Wheatland Lane, Secombe.** The case officer successfully secured the removal of an unauthorised traveller encampment from the land through negotiation with the landowner without the need for formal action.
 - (ii) **61 Ashville Road, Birkenhead.** Following receipt of a complaint about the demolition of a listed gate post to the front of the listed building by a turning vehicle, the case officer worked with the Police and the property owners to track down the driver of the vehicle and secure the reinstatement of the listed pillars without the need for formal action.
 - (iii) **91 Eastham Village Road, Eastham.** Replanting of 3 new trees (1No. Oak, 1No. Whitebeam, 1No. Handkerchief) following authorisation given for the removal of 3 sycamore trees (protected).
 - (iv) **Arlington Court.** Replanting of an Oak tree following removal of Sycamore.
 - (v) **1 Belford Drive, Moreton.** In the performance report presented to Members in January 2021, we advised of direct action taken in relation to a failure to comply with the requirements of an enforcement notice and subsequent charge being place on the land for the value of the works undertaken. On 18th June 2021 the property was sold and the money spent in taking the direct action was recouped by the Council in the process of the sale, bringing this long-running issue to a final conclusion.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are no relevant risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 This report is factual so there has been no consultation on its contents.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. There are no equality implications arising from the proposals within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

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BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years) Council

Council Meeting	Date
Not applicable	