

PLANNING COMMITTEE**11 FEBRUARY 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 2020 to 31st December 2020.

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 2020 and 31st December 2020, a total of 366 new cases were opened.
- 3.4 During that same period, 275 cases reached a key milestone, of which 66% of these key milestones were reached within 13 weeks. Whilst the figure for the year falls below our target of 80%, it should be noted that during this period the team have dealt with a significant number of cases that had previously been sitting in a backlog that had developed during the previous year(s). The impact of Covid 19 is also discussed later in this report.
- 3.5 Between 1st January 2020 and 31st December 2020, 340 cases were closed.
- 3.6 The majority of the Planning Enforcement team's work remains reactive, responding to reports about possible breaches of planning control.
- #### **Summary of impact of COVID 19**
- 3.7 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.
- 3.8 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.
- 3.9 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.

3.10 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

3.11 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.

3.12 A total of 7 Enforcement notices, 2 Breach of Condition Notices, and 14 Planning Contravention Notices were issued during the year. Appendix 1 to this report set out details of the Enforcement Notices and breach of Condition Notices that have been served.

Key successes

3.13 Examples of some of the key successes achieved during 2020 are set out below:

- (i) **Hamilton Square Project.** A pro-active project undertaken to address all of the unauthorised alterations that have been carried out to the external elevations of what is the largest Grade I listed Victorian Square outside London. A total of 742 unauthorised alterations have been identified across the 63 listed buildings. The project is ongoing, and the team is continuing to seek the remediation of those alterations.
- (ii) Our **Planning Enforcement Policy** has been updated, providing a more robust and up to date foundation for performing the crucial task of enforcing planning legislation to maintain the integrity of the planning system. The policy received its final approval at Economy Development and Regeneration Committee on 26th January 2021.
- (iii) **Hillbark Hotel, Frankby.** The removal of the unauthorised marquee has been secured, as required by the enforcement notice.
- (iv) **34 Stanley Road, Hoylake.** In February 2020 a successful prosecution was brought against the owner of the property for the unauthorised removal of a mature sycamore tree that was subject of a TPO and located within a conservation. A fine of £660 (reduced to £440 on financial grounds) was issued by the Court, and a further £500 towards the Council's costs was ordered to be paid. The replanting of 5 new trees was also achieved to mitigate the harm caused by the removal of the mature tree.
- (v) **1 Belford Drive, Moreton.** Following a failure to comply with the requirements of an enforcement notice, the Council exercised its powers under section 178 of the Town and Country planning Act 1990 (as amended) to enter the land to carry out the steps required in the enforcement notice. A contractor was appointed to commence work on 1st June 2020 to demolish part of the first floor of a two-storey side extension, and work was complete by 10th July 2020. A charge has been placed on the land to the value of the cost of the works and other expenses incurred by the Council.

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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APPENDICES

Appendix 1- List of formal notices served

BACKGROUND PAPERS

SUBJECT HISTORY (last 3 years) Council

Council Meeting	Date
Not applicable	

Appendix 1- List of formal notices served

Enforcement Notices

Register number	Address	Date Issued	Breach
665	77 Chester Street, Birkenhead	27th April 2020	Unauthorised extension
666	10 Liversidge Rd, Tranmere	4th May 2020	Erection of detached building in rear yard, used as a self contained flat
667	Mill House, Blakeley Rd, Raby Mere	11th May 2020	Unauthorised 2.4m high fence
668	67 Chester Street	17th November 2020	Unauthorised extension and air con unit
669	83 Hoylake road	17th November 2020	Change of use to hand car wash
670	Thornton Manor	1st December 2020	Lakeside marquee
671	Land on the corner of patten and price street	3rd December 2020	Unauthorised siting of shipping containers on the land

Breach of condition Notices

Register number	Address	Date Issued	Breach
133	Amulree, 5 Broomfield Close, Heswall	18 th September 2020	Non compliance with conditions 1 and 2 attached to APP/18/01132.
134	8 Spital Road, Bebington	3 rd April 2020	Non compliance with conditions 4, 5 and 6 attached to APP/18/00519.