

## **REPORT TO:**

**Planning Committee June 2022**

## **LEAD OFFICER:**

**Joint Director of Planning and Economic Development**

## **Enforcement Report**

### **Executive Summary**

1. On 1<sup>st</sup> June 2022 there were 165 open cases.
2. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
3. Statistical data is contained in Appendices 1 and 2 to this report.
4. Will Holloway, Principal Lead Enforcement Officer has recently left the service and the team would like to thank him for his efforts in his time at Greater Cambridge Planning in delivering an increase in notices served and a drop in the number of outstanding investigations. Will has also contributed and overseen changes to service delivery which has formed part of the Enforcement Team service review.
5. The Planning enforcement Team would like to welcome new members to the planning committee and the information provided in the April 2022 report concerning changes to service delivery is reproduced below for information purposes.

### **Updates to Service Delivery**

Due to ongoing improvements within the service delivery of some changes will come into effect within the Team from 4th April 2022.

John Shuttlewood, Principal Planning Enforcement Officer, has been seconded to the Cambridge Investment Partnership and the South Cambridgeshire Investment Partnership for three days a week. He will still be with us for two days a week but on

a limited availability. Will Holloway has therefore been made Lead Principal Planning Enforcement Officer for the Greater Cambridge Shared Planning Service (ed - this post is currently vacant at time of writing).

The Planning Enforcement Team will also now mirror the Development Management side of the Greater Cambridge Shared Planning Service and I have attached below an organisational chart for your information.

Vacant

Lead Principal Planning Compliance Officer

John Shuttlewood

Principal Planning Compliance Officer (2 days a week)

**Area 1 Team**

Tony Wallis

Acting Senior Planning Compliance Officer

**Area 2 Team**

Alistair Funge

Senior Planning Compliance Officer

**Area 3 Team**

Nick Smith

Senior Planning Compliance Officer

**Cambridge City Only**

Neil Langley

Senior Planning Compliance Officer

**South Cambridgeshire Only**

Charlie Jones

Planning Compliance Officer

We have made huge strides to improving the service delivery recently including the reduction of officer case load, ensuring that those cases that require formal action to be taken are done so as a priority, that speed in decision making of cases has improved by adopting certain checks and also updating members in a more timely manner.

I hope that you can already see and feel the improvements being made to the service and we are continuing to make changes behind the scenes to ensure the best service delivery.

**Updates on significant cases**

Should Members wish for specific updates to be added to the Enforcement Report then please request these from the Principal Planning Enforcement Officer and they will be added to the next available Planning Committee.

On a further note, if members would like further information to be submitted as part of this report moving forward then please contact the Principal Planning Enforcement Officer.

Updates are as follows:

### **Croudace Homes Ltd Site, Land off Horseheath Road, Linton.**

The developer has failed to discharge the surface water drainage condition prior to commencement of the development and the latest application to discharge the condition has been refused. A Temporary Stop Notice was served on the site on 24/02/21 and all work had stopped for 28 days.

Planners are in continual discussions with the developer to rectify the issues. The outcomes of the Planning Compliance visits have been forwarded to the relevant planners and senior management. The site has been monitored and regular visits will continue to be carried out.

Discussions between Planning Officers and the developers to be held on Friday 2nd July and verbal update to be provided to Planning Committee. A further meeting between Stephen Kelly, Joint Director of Planning and Economic Development and local residents was held on 23rd August 2021. It has further been agreed through Stephen Kelly and the developer, Croudace Homes that although we have gone beyond the end of January no further occupations will take place until drainage matters resolved.

Planning Compliance have not been instructed to take any further action at this stage and this matter is ongoing.

### **Burwash Manor Farm**

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019 – A Planning Appeal has been submitted to the Inspectorate on the 20th May 2019 – Appeal allowed; Enforcement Notice quashed.

Replacement notice to be drafted and served. Enforcement Notice served on 9th July 2020. Compliance visit to be carried out after 7th October. Late Appeal rejected by PIN's. Stephen Kelly in talks with owner to re-site playground on suitable land. Site visited by Enforcement and Environmental Health Officers 16th December. No agreement reached consideration to be given to prosecution for failing to comply with the enforcement notice.

Partial compliance with notice following joint site visit with Environmental Health confirms that the Hobbit House has been removed but the associated wooden chairs remain along with the main playground structures. The playground has been closed

over the past year but harm is still being caused by people sitting in the area where the hobbit house was.

Planning application reference 21/03587/FUL has been submitted for the retention of two pieces of play equipment and the introduction of an acoustic fence along the southern boundary. Further action will be placed on hold pending outcome of the application.

### **Elmwood House 13A High Street, Croxton, PE19 6SX**

Extension and garage granted permission by S/2126/18/FL, not constructed as approved plans and approved materials not used. Retrospective application S/0865/19/FL to retain as constructed refused. Enforcement Notice requiring garage and extension to be demolished served, 18 December 2019. Enforcement Notice appealed. Appeal process commenced.

29 April 2020.

Appeals resulted,

Appeal A, allowed on ground (f), the appellant now has three options, (i) Demolish completely, (ii) Demolish to brick plinth level and rebuild as S/2126/18/FL or (iii) Remove exterior render finish and replace with brick tiles to match existing and construct roof as approval S/2126/18/FL.

Appeal B, planning permission should be allowed for development as built, dismissed.

Compliance date 30th December 2020.

Site visit carried out on 18/01/21, 25/02/21 and 12/04/21 and the notice has not been complied with.

A further application under reference 20/01408/HFUL has been submitted and agreement with Area Manager that all Enforcement action will be held in abeyance pending the outcome of the application.

### **Smithy Fen, Cottenham, Cambridge, Cambridgeshire, CB24 8PT**

This is a site with an extensive history of formal Notices being served, injunctions and prosecutions being carried out. Due to the complex nature of the site an outside company Ivy Legal have been tasked with reviewing the site history and providing a detailed report on recommended actions that can be considered by the Local Planning Authority.

The report is in the final draft stage and members will be updated as soon as it is complete. Internal discussions between all departments are currently ongoing with how best to move this matter forward with recommendations from the Enforcement Group to be provided within two months to Leadership Group.

A briefing Note has been forwarded to Stephen Kelly with details of requirements from key stakeholders and other interested parties with regards to the possibility of serving Planning Contravention Notices on all occupants with the assistance of Ivy Legal. Consideration to be given to the resourcing for this due to high numbers on site, consideration and support for those that are unable to read and write as well as any other considerations.

Ivy Legal have now formally been requested to advise on how they can assist in moving the project of serving approximately over 100 Planning Contravention Notices forward and swiftly. A multi-agency meeting was held with Ivy Legal on 25th February 2022 to agree the approach with regards to Planning Contravention Notices on site and support needed.

**Pathfinder Way, Northstowe, Cambridgeshire, CB24 1AA**

A Temporary Stop Notice was served on 21/09/21 to cease piling. Evidence from residents is being collated and forwarded to Legal to commence a prosecution. All works have stopped in respect of piling. Planning Compliance Team are continually being updated by Planning Officers and will take further action if directed to do so.

**Land At Haden Way, Willingham, Cambridge, Cambridgeshire, CB24 5HB**

A Breach of Condition Notice was served on 23rd September 2021 with regards to piling on site. All works have ceased in relation to the piling. A meeting between members and residents took place on 7th October 2021 and a further meeting on 29th October 2021.

No requirement for further action, though it will be continued to be monitored.

**Land To North And South Of Bartlow Road, Linton, Cambridgeshire**

Development has commenced on site without pre commencement conditions being discharged. Awaiting further information from Planning Officers as to the taking of further action. Site is further complicated by awaiting an appeal decision from the Planning Inspectorate and this decision is crucial on advising any possible further action.

The Planning Inspector has discharged the surface water drainage scheme by Notice on 8th November 2021.

There are three conditions outstanding on the reserved matters application but the triggers are all above foundation level so there are no breaches at present. Two are on hand and pending, one need to be submitted following a refusal by the Council and by PINS.

Environment Agency are dealing with a matter concerning a pump discharging site water into the local river. Awaiting update from them presently. A chaser email was sent on 27th January 2022. Email received to confirm the Environment Agency are dealing with the matter and no need for Local Planning Compliance action at this stage.

**Pleasant View, Ely Road, Landbeach, CB25 9NW**

This complaint relates to the positioning and residential use of mobile homes on the site and the raising of land levels to the rear of the site where it is close to Bluebell Woods.

The LLFA have assessed the site and the land raising and are of the opinion that the raised land of 30-45cm has little to no effect on the site at both Pleasant View and

Bluebell Woods and that the drainage present is adequate. There are civil remedies available to neighbours that would not require consent.

A Planning Contravention Notice was served on 11th February 2022 requiring information on the status of the mobile homes and tourers on the site and their relationship to the dilapidated residential dwelling on the site. Matthew Green from Green Planning Studio Ltd is in the process of responding on behalf of the owner and we have agreed an extension of time for the response to come forward to ensure that we have the relevant information to make an informed decision.

### **Background Papers**

Planning Enforcement Register.

Statistical Analysis of Uniform Planning Enforcement Software Program.

### **Appendices**

Appendix 1: Enforcement Cases Received and Closed.

Appendix 2: Notices Served.

### **Report Author:**

John Shuttlewood – Principal Planning Enforcement Officer

Date: 1/6/22