

EXETER CITY COUNCIL

PLANNING COMMITTEE

18 FEBRUARY 2008

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

1.1 To update members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 18 DECEMBER 2007 AND 1 FEBRUARY 2008

Cases opened: 7

Cases closed: 29

Outstanding number of cases: 118

3.0 NOTICES ISSUED

3.1 ENF/07/005- Parkside House, Beech Avenue – Enforcement Notice issued on 18 January 2008 for the erection of a fence on the northern boundary of the Land (part close-boarded, part willow screen or similar). The notice takes effect on 29 February 2008 and gives 2 months for compliance.



Parkside House, Beech Avenue

3.2 ENF/03/002 – 1 Bystock Terrace – Listed Building Enforcement Notice issued on 18 January 2008 for the installation of non-metal guttering and other rainwater goods and the removal of an external stringcourse at second floor level. The notice takes effect on 29 February 2008 and gives 2 months for compliance.



1 Bystock Terrace

- 3.3 ENF/07/132 - 12 North Street, Exeter – Enforcement notice served on 18 January 2008 for erection of a smoking shelter adjacent to the north west elevation of the building (Mecca Bingo). The notice takes effect on 29 February 2008 and gives 2 months for compliance.



12 North Street, Exeter

- 3.4 ENF/06/105 – Seabrook Mews, Topsham Road, Exeter – Breach of Condition Notice served 21 January 2008. The Permission was granted subject to the following condition (among others):-

“3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include ... planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.”

A landscaping scheme was approved by the Council on 2 December 2004. Revised planting details for the area subject to the enforcement notice were approved by the Council on 3 July 2006, namely the planting of two climbers (honeysuckle and/or clematis species) against the boundary wall.

The Council consider that the condition has been breached in that the two climbers have not been planted as required by Condition 3. The breach has occurred within the last ten years. The notice requires the developer to plant two climbers (honeysuckle and/or clematis species) against the free standing boundary wall. The notice requires the developer to comply on or before 27 February 2008. A compliance site visit carried out on 29 January 2008 found that the climbers have been planted and the notice has been complied with.



Seabrook Mews, Topsham Road

4.0 NOTICES COMPLIED WITH

- 4.1 ENF/06/047 – Pinbrook House, Cheynegate Lane – Listed Building
Enforcement Notice (Breach of Condition) served on 11 October 2007.
On 18 April 2007, listed building consent was granted for external alterations to provide a ground floor extension on the north elevation, subject to the following conditions (among others):-

"2 *The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 December 2006 (dwg. no's. Drawing 02 and Drawing 03), as modified by other conditions of this consent.*
Reason: *In order to ensure compliance with the approved drawings.*

4 *Samples and details of the timber stain and natural slates intended to be used externally in the construction of the development shall be submitted to the Local Planning Authority within 1 month of the date of this permission. The existing roof of the extension shall be wholly removed and replaced in accordance with these details within 4 months of the date of this permission.*

Reason: *To ensure that the materials conform with the visual amenity requirements of the area."*

4.3 It appears to the Council that the conditions have not been complied with in that:-

(a) artificial slate has been used, rather than natural slate, in breach of condition 4; and

(b) tape has been applied to the perimeter of the roof (apparently in place of flashing), which is not shown on the submitted details and therefore in breach of condition 2.

4.4 The Notice took effect on 23 November 2007 and gave 2 months for compliance. The requirements of the notice are to remove the existing man made slates from the roof, remove the tape flashing from the perimeter of the roof and replace the roof covering with Grade A Spanish slates, fixed with nails (not hooks), with code 4 lead flashings fitted to Lead Development Agency specifications. A compliance site visit on 3 December 2007 found that the notice had been complied with.

4.5 ENF/06/111 – 70 Rivermead Road – Enforcement Notice issued on 12 December 2006 for the provision of access steps (to balcony serving top flat 70a) and balcony railings on rear elevation of the property. The Notice took effect on 26 January 2007 and gave 4 months for compliance. This period expired on 26 May 2007. An appeal against the Notice was submitted but was later withdrawn and a compliance visit undertaken on 4 January 2008 found that the notice had been complied with.

5.0 CURRENT APPEALS

5.1 ENF/06/154 – 22 Victoria Road, Tospham – Listed Building Enforcement Notice issued on 8 June 2007 for the addition of a course of horizontal brickwork (in two sections) to front boundary wall, and (subsequently) addition of railings on top of that wall and on top of side boundary walls to front garden. The notice took effect on 17 July 2007 and requires the removal of railings from the top of the front boundary wall, and from both side boundary walls to front garden and the removal of the top course of horizontal brickwork from front boundary wall (note - the horizontal brickwork to be removed is in two sections, either side of a section of vertical brickwork which may remain) within three months. Listed Building Enforcement Notice appeal received to be dealt with by written representations. The Council's written statement has been submitted and a date for the Inspector's site visit is awaited.

5.2 ENF/07/018 - 21 Lancelot Road - for the erection of a timber close-boarded fence approximately 2metres high. The requirements of the notice are to dismantle the fence on the north eastern boundary of the Land (a fence can be erected along this boundary so long as the fence together with the low brick

wall does not exceed 1m in height). The notice also requires the height of the posts of the fence on the south eastern boundary of the land to be reduced, ie. the boundary between the parking area and the landscaping strip (the fence can remain along this boundary so long as the height of the posts is reduced to not more than 10cm above the top of the panels). The notice took effect on 31 August 2007 and gave 2 months for compliance. The enforcement notice appeal is being dealt with by written representations. The Council has submitted its statement and final comments. The Inspector's site visit is awaited.

- 5.3 ENF/05/227 – 22 Parkfield Road, Topsham – Enforcement Notice served on 15 October 2007 for the erection of a balustrade around the edge of roof of single storey accommodation at rear of property. An appeal was received on 18 January 2008 and is to be dealt with by an Informal Hearing on 24 June 2008. The Council has to submit its statement by 28 February 2008.

6.0 ENFORCEMENT APPEAL DECISIONS

- 6.1 ENF/06/252 – 61 Whipton Village Road, Exeter – Enforcement Notice issued on 8 March 2007 for the erection of a fence exceeding one metre in height adjacent to the highway. The notice took effect on 13 April 2007 and gave three months for compliance. The requirements of the notice are to dismantle the fence on the southern boundary of the land, which is adjacent to the highway, and for one metre northwards on each of the side boundaries, so that the fence does not exceed the height of the boundary wall which is also adjacent to the highway. This will result in a 2m fence on both side boundaries that is set back into the garden by 1m from the boundary wall adjacent to the highway. The notice also requires the removal from the land of all components of the dismantled fence. An appeal was submitted against the enforcement notice and was dealt with by written representations. The appeal was dismissed by the Planning Inspector on 22 November 2007 and the notice must be complied with by 22 February 2008. The results of this visit will be reported to Members at the next Committee.
- 6.2 ENF/06/228 – 4 Harefield Close – Enforcement notice issued on 3 July 2007 for the construction of a timber platform structure, fence panels, shed and pergola in the rear garden facing Cowley Bridge Road. The notice took effect on 13 August 2007 and gave 6 months for compliance. The notice requires removal of the decking and balustrading/fencing insofar as it projects westwards beyond the uppermost blockwork retaining wall, and removal the posts which previously supported the structure. Remove the timber shed and pergola and remove all materials formerly comprising the decking, balustrading/fencing, timber support posts, timber shed and pergola. The enforcement notice appeal was dealt with by written representations. The Planning Inspector quashed the enforcement notice and granted planning permission on 18 January 2008. This month's appeals report contains full details of the planning appeal.

7.0 OTHER ISSUES

- 7.1 ENF/05/099 – 19 Belmont Road – Section 215 (Untidy Site) Notice issued on 7 November 2005. At the 24 July 2006 Planning Committee Members resolved to take direct action under Section 219 of the Town and Country

Planning Act, 1990 to arrange for the rear two-storey blockwork and brickwork extension to be rendered and the rear garden to be tidied. On 19 February 2007 a team from Direct Services arrived to undertake the remedial work and the owner refused entry onto his land. The Council submitted an Injunction application to the County Court and attended a Hearing at the County Court on 7 November 2007. District Judge Harvey granted the Injunction and the owner had to comply with the Section 215 Notice dated 7 November 2005 by 4 December 2007. Legal Services wrote to the court to extend the date for expiry of the injunction and the court made an order of its own motion to specify that the injunction is to remain in force until 22 October 2008. The owner has applied to set this order aside. The hearing took place on 28 January 2008. The Judge adjourned the hearing 14 days so a further site inspection could be carried out. A further inspection has been completed and it is considered that the site is now in a satisfactory condition and at the next Hearing, scheduled for 10 March 2008 the Council will not contest the owners appeal.

- 7.2 ENF/07/199 – 144 Fore Street, Exeter – Repairs Notice served on 5 December 2007 for a number of urgent works to the building in order to restore the listed building and prevent further damage. The owners had until the 14 December 2007 to start the works however work has not yet begun. The Council has instructed Direct Services to carry out a site visit and to provide a quote for the works to be undertaken in default.

8.0 COMPLIANCE WITH CONDITIONS

- 8.1 A new post of Conditions Compliance Officer within the enforcement team has now been filled. A new system has been set up which enables all conditions on major planning applications and listed building applications which have been approved to be monitored. The Conditions and Compliance Officer has begun to monitor all conditions on decisions for these types of applications granted in 2007 and thereafter.
- 8.2 To date, 115 letters have been sent out to agents/applicants advising that the Council is monitoring all conditions on their permission. 41 responses have been received. 2 decision notices have been signed off with all conditions complied. 1 new planning application has been requested for alterations carried out which is not part of the permission.

9.0 RECOMMENDATION

- 9.1 That this report be noted

RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report: none.