

# CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: South Area Committee      DATE: 07/03/13

WARD: Trumpington

## **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

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### **60 Panton Street, Cambridge Unauthorised Development**

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## **1 INTRODUCTION**

- 1.1 This report asks members to authorise the closure of an Enforcement Investigation into works which are not in accordance with the approved plans for 11/1276/FUL on the grounds that it is not expedient to pursue the breach of planning control further.

Site: 60 Panton Street, Cambridge.  
See Appendix A for site plan.

Breach: Unauthorised Operational Development.

## **2 BACKGROUND**

- 2.1 On 30<sup>th</sup> December 2011 planning application reference 11/1276/FUL was approved for: 'Alterations to existing building together with ground floor, first floor and second floor (roof level) extensions to refurbish residential property. New residential annexe at rear incorporating car parking space, cycle and refuse storage, all following demolition of existing single storey rear extension.'
- 2.2 On 30<sup>th</sup> July 2012 officers received an allegation that the height of the rear extension was not in accordance with the approved plans for planning reference 11/1276/FUL.

- 2.3 A site visit was undertaken to assess the works undertaken on site, officers confirmed that the height of the rear extension exceeds the measurement shown on the approved plans by between 10 and 20 centimetres. Photographs of the development can be found in Appendix B.
- 2.4 Officers from the City Development Management team have advised that the additional height of the rear extension is material enough to require a new full planning application and cannot be dealt with as an application for a Non Material Amendment.
- 2.5 The owner of the property has advised officers in writing that whilst he is willing to submit an application for a non material amendment for the difference in height, he is not willing to submit a new full planning application. An email from the owner of the property inviting members to view the development can be found in appendix C.
- 2.6 A Planning Contravention Notice was served on the property on 11<sup>th</sup> January 2013 and returned on 2<sup>nd</sup> February 2013. The owner of the property has stated on the returned notice that he does not intend to submit a full planning application for the works which have taken place at 60 Panton Street.
- 2.7 The current Scheme of Delegation does not permit officers to close investigations where there is an outstanding breach of planning control. A decision therefore needs to be taken as to whether formal action should be taken forward or if the particular details of this case are such that it should not be pursued.
- 2.8 All parties connected to this investigation were advised this report is being put before members for consideration and were made aware that they could make representations to the Committee.

### **3 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

#### **3.1 National Planning Policy Framework states:**

‘Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor

the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

- 3.2 Enforcement is a discretionary power. Paragraph 6.2 of the Planning Investigation Service's Enforcement Policy states 'The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control' and paragraph 6.3 states that an appropriate course of action where the breach is minor with no significant effects may be that no further action is required.
- 3.3 The informal opinion from planning officers is that the impact of the development in question is minimal and would be acceptable should an application have been made to regularise the situation. Therefore officers do not consider that it would be expedient to pursue formal action in this instance.
- 3.4 If members authorise the closing of this investigation, the unauthorised operational development in question would become immune from enforcement action after a period of four years.

## **4 RECOMMENDATIONS**

- 4.1 It is recommended that the Head of Planning Services be authorised to close the investigation into unauthorised operational development at 60 Panton Street on the grounds that it is not expedient to pursue the matter further.

## **5 IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None
- (f) **Human Rights** - Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right

to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination).

**BACKGROUND PAPERS:** <http://www.cambridge.gov.uk/public/pdfs/PIS-enforcement-policy.pdf>

## **APPENDICES**

Appendix A	Site plan
Appendix B	Photographs of unauthorised development
Appendix C	Email from the owner

The contact officer for queries on the report is Debs Jeakins on ext 7163.