

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

Since the last report to the Planning Committee at its meeting on the 10<sup>th</sup> October 2017 one new case has been added to this list and one has been closed. 5 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

**That the information be received.**

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An Enforcement Notice has been served which would have taken effect on 28<sup>th</sup> February 2016 had an appeal not been lodged. The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia; and the removal of any fencing erected on the perimeter of the land.</p> <p>The appeal was considered at an Inquiry on 14<sup>th</sup> February 2017 and a decision has now been received (which is reported elsewhere on this agenda). The Inspector upheld the notice and as such it took effect on the date of the appeal decision, 21<sup>st</sup> February. The steps set out in the notice had to be complied within six months i.e. by 21<sup>st</sup> August 2017.</p> <p>Instructions have been sent to Legal to initiate appropriate procedures to secure compliance with the Notice, however prior to any proceedings commenced notification was received that the caravan has been removed from the site. A site visit has confirmed that is the case, however as some the associated structures and paraphernalia, and the fencing, remain on site the Notice has not been fully complied with.</p>	Monitor to see if the steps within the Notice are fully complied with.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24<sup>th</sup> April 2015. The SN took effect on 30<sup>th</sup> April 2015. The EN took effect on 27<sup>th</sup> May 2015.</p> <p>It was established at a site visit on 20<sup>th</sup> June that the portacabin and commercial trailer have been dismantled and are not in use. Whilst some remnants of the structures remain on site, contrary to the requirements of the notice, it is not considered that it would be in the public interest to pursue full compliance of the notice through the court and as such this case can be closed.</p> <p>Members have also previously been advised of other issues on the site over and above the breaches of conditions of planning permission 14/00610/FUL. The first relates to the importation and deposit of used tyres which are being utilised in the construction of a fodder beat store and TB testing facility. Your officers previously concluded that expert advice was required and the advice received was that the structure is larger than the needs which might be generated by the Doddlespool Unit but may be appropriate in respect of the unknown requirements of a wider agricultural unit of which it is a part. In addition the use of waste tyres is unusual and does not reflect the type of uses promoted in best practice guidance.</p> <p>The County Council, as the Waste Authority, have indicated that the advice received is not sufficient for them to conclude that a waste operation has taken place against which enforcement action would be justified. Consideration is being given as to whether any action is required by the Borough Council as Local Planning Authority</p> <p>The waste that has been imported onto the site in the form of covered bails remains with the Environment Agency (EA), in conjunction with the County Council, to address. It is understood that the Environment Agency have taken formal action in this regard.</p> <p>Material has been imported onto the site and a new access is currently being constructed from Waybutts Lane (with the initial section being within Cheshire East Council's area). An application has been submitted and upon receipt of additional information and the correct fee will be registered. It is understood that the EA progressing any action regarding the importation of material to form the access.</p>	<p>CASE CLOSED</p> <p>Reach a position as to what action, if any, is required in respect of the partially constructed fodder beat store and TB testing facility.</p> <p>Secure submission of a valid planning application for the new access.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Following the resolution by Planning Committee at its meeting on 5<sup>th</sup> January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. The Notice was subsequently served and in the absence of any appeal has come into force on the 13<sup>th</sup> July 2016. Compliance was due by 13<sup>th</sup> January 2017 and a subsequent visit to the site has established that the Notice has not been complied with.</p> <p>As previously reported discussions were had with the owner and this was followed up with a letter highlighting that the Notice has not been complied with and that compliance with the Notice will be pursued. Within the letter the owner has been encouraged to set out a timetable for the removal of the caravan. A response has not been received</p> <p>An appeal has been lodged against the refusal of planning permission to allow the occupation of the mobile home by others (application reference 16/00969/FUL) and a hearing has been scheduled for 17<sup>th</sup> October and to date a decision has not been received. It is not anticipated that the caravan will be removed from the site whilst the appeal remains undetermined.</p>	<p>Consideration will be given, in conjunction with Legal Services, as to when action should be taken to secure its removal (i.e. should this be before or after the appeal decision).</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
08/00204/207	<p>Land off Keele Road, Newcastle</p> <p>Non-compliance with condition 9 of planning permission 11/00430/FUL for the erection of 61 dwellings (amended layout to that already approved including an addition 13 dwellings)</p>	20.10.16	<p>Various planning permissions have been granted for residential development on land off Keele Road, Newcastle (known as Milliner's Green). Due to the proximity of the site to the existing Scrap Yard (Hampton's) certain of the planning permissions granted were subject to a requirement that an acoustic barrier should be installed along the western boundary of the site. A fence was erected and due to concerns about the standard of the fence when planning permission was granted in 2012 for the erection 61 dwellings (ref. 11/00430/FUL) a similar requirement was imposed.</p> <p>As the developer had not addressed the concerns expressed regarding the suitability of the fence, despite being approached by officers on a number of occasions and the developer offering assurances that works to the fence would start, it was decided that appropriate enforcement action was necessary. The action required is the replacement of the existing fence with an acoustic fence of a suitable standard.</p> <p>The Enforcement Notice was served on 30<sup>th</sup> June and took effect on 31<sup>st</sup> July. The steps required by the Notice include the requirement to erect a timber acoustic fence in accordance with details to be submitted within 28 days within 2 months after the date the Council approves the details of the fence. The details were submitted on 26<sup>th</sup> July, which was within the time period specified in the notice, and such works have now been agreed in writing. The Developer has also confirmed that a contractor has been appointed and the fence will be erected in January 2018.</p>	Monitor to ensure that acoustic fence is erected in accordance with the agreed details.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
17/00258/207C2	<p>Residential Development on site of the Former Silverdale Colliery</p> <p>Non-compliance with condition B8 of outline planning permission 06/00337/OUT which requires the provision of 2 Locally Equipped Areas for Play (LEAPs) and 1 Neighbourhood Equipped Area for Play (NEAP) as integral parts of the development</p>	25.04.17	<p>Earlier this year Planning Committee refused an application to vary condition B8 of outline planning permission for residential development on the site of the former Silverdale Colliery. In addition Committee resolved that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure, within six months, the provision of a second Locally Equipped Area for Play as required by condition B8 of planning permission 06/0337/OUT and to address any other outstanding issues associated with play provision on this development as your Officer considers appropriate.</p> <p>Since this resolution a meeting has taken place with the Developer who has indicated that further works will be carried out to the play area close to Station Road so as to provide additional play experiences in accordance with the requirements of a LEAP. It is anticipated that details of the play area will be agreed and implemented in the next few months.</p> <p>Discussions are ongoing regarding to the provision of a NEAP, which is also a requirement of condition B8. It is anticipated that a position will have been reached on this matter within the next quarter.</p>	<p>Agree details of works required to form a LEAP adjoining Station Road and agree a timetable for the completion of the agree work.</p> <p>Reach a position with regard to the required NEAP.</p>