

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.

The last report was brought to the Planning Committee at its meeting on the 24th April 2018. 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.

A report on one of the open cases contains information that is considered to be exempt by reason of the provisions of paragraphs 6 and 7 of Schedule 12A of the Local Government Act 1972, as amended, and is therefore provided separately.

RECOMMENDATION

That the information be received.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<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 28th 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 14th 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, 21st February. The steps set out in the notice had to be complied within six months i.e. by 21st August 2017.</p> <p>Prior to the last meeting a visit to the site established that the caravan had been removed, however as some the associated structures and paraphernalia, and the fencing, remain on site the Notice has not been fully complied with. This is still the case.</p> <p>At this point in time it is not considered that it is in the public interest to pursue full compliance with the Notice but it is considered appropriate and necessary to monitor the site as there remains the possibility that residential occupation could recommence.</p> <p>Site monitoring has taken place periodically and no sign of residential occupation having recommenced has been witnessed. In light of this it is considered that the case can now be closed.</p>	CASE CLOSED.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<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>	<p>20.10.16</p>	<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.</p> <p>The Enforcement Notice (EN) was served on 30th June and took effect on 31st 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. As previously reported such details were submitted on 26th July, which was within the time period specified in the notice, and were agreed in writing.</p> <p>A fence was erected earlier this year and it has now been confirmed that it is in accordance with the requirements of the EN. As such the case can be closed.</p>	<p>CASE CLOSED</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<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>	<p>25.04.17</p>	<p>Last 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>As previously reported 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 (Locally Equipped Area for Play).</p> <p>Details of a revised play area have now been received which Landscape Development Services advise are acceptable. We are expecting confirmation from the developer regarding the programme of works to complete the approved LEAP in the near future.</p> <p>Consideration has been given to the provision of a NEAP (Neighbourhood...) during which it became apparent that there are different views as to what has or has not been approved. The developer's position is that details of the NEAP as provided on site were submitted and approved within the reserved matters application Following consideration of the reasonableness of the Council taking a different line to the developer, the considerable time that has elapsed after the provision of that play area, and the nature of the documentation relating to the permissions in place it was decided, under the delegated authority provided by the resolution of the Planning Committee of the 24th April 2017, that it would not be expedient to take enforcement action in relation to any breach of planning control in relation to the NEAP.</p>	<p>Agree a timetable for the completion of the agreed LEAP.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Land at Doddlespool and Elms Farm, Off Waybutt Lane, Betley</p> <p>Importation and deposit of earth, and waste material on land and associated engineering operations to create a trackway.</p>	<p>20.4.15</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).</p> <p>Whilst an application was submitted it was invalid upon receipt. As the importation of material continued work continued consideration was given to the expediency of enforcement action and a Temporary Stop Notice (TSN) was served on the owner on 13th February requiring the cessation of the importation and deposit of earth, and waste material on land and the associated operations to create a track. The reason for the action was to prevent adverse harm and effect on Betley Mere Site of Special Scientific Interest (SSSI) and Black Firs and Cranberry Bog SSSI.</p> <p>As a TSN only stops development for a limited period consideration has been given as to the need to take further enforcement action. The conclusion that has been reached is that it is expedient to serve an Enforcement Notice (EN) and a Stop Notice (SN). The reason for the action is that the unauthorised works are contrary to local and national policy in terms of the unknown impact to the designated SSSIs and also due to the adverse harm to the openness of the Green Belt.</p> <p>Such Notices were served on 12th April, with the SN taking effect after 3 days. Subsequently it was established that there was an error on the plan attached to the Notices as they included land where there was no activity and owned by someone not associated with the unauthorised works. The Notices were therefore withdrawn and reserved on 3rd May 2018. Both Notices still require the cessation of the unauthorised importation of material onto the site and all activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas.</p> <p>A valid appeal has been lodged against the EN and as such it will not take effect. As a start letter has not been received from the Planning Inspectorate, no further information is known about the appeal process and timetable as yet.</p>	<p>Monitor compliance with the SN. Adhere to appeal timetable once start letter has been received.</p>