

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 17<sup>th</sup> July 2018. 3 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 paragraph 6 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>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>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>Details of a revised play area were received which Landscape Development Services advised were acceptable. Information regarding when the play area would be installed was provided and works were undertaken in the first week of October.</p> <p>Consideration was 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 24<sup>th</sup> 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>	Visit site to confirm that LEAP as installed is in accordance with the agreed details.

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 and which has subsequently been granted planning permission by them).</p> <p>Whilst an application was submitted it was invalid upon receipt. A Temporary Stop Notice (TSN) was served on the owner on 13<sup>th</sup> 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>Subsequently it was decided that it was expedient to serve an Enforcement Notice (EN) and a Stop Notice (SN). The reason for such 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. Both Notices 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>An application for the retention and completion of the track has now been registered as valid. The application is reported to Committee elsewhere on this agenda.</p> <p>A valid appeal has been lodged against the EN and as such it will not take effect. The appeal is currently held in abeyance until the planning application is determined.</p>	<p>If planning permission is granted take appropriate action with regard to the EN and SN following receipt of advice.</p> <p>If planning permission is refused, monitor compliance with the SN. Adhere to appeal timetable.</p>