

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** PLANNING CONTROL COMMITTEE  
**DATE:** 25 OCTOBER 2006  
**SUBJECT:** PLANNING ENFORCEMENT  
**REPORT FROM:** BOROUGH PLANNING, ENGINEERING AND  
TRANSPORTATION SERVICES OFFICER  
**CONTACT OFFICER:** TOM MITCHELL, DEVELOPMENT MANAGER

**TYPE OF DECISION:** COUNCIL

**FREEDOM OF INFORMATION/  
STATUS:** This paper is within the public domain

**SUMMARY:**

The report summarises the Planning Enforcement Activity for the Period 1<sup>st</sup> July 2006 to 30<sup>th</sup> September 2006

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

The Committee is recommended to note the decisions described below.

**IMPLICATIONS -**

**Corporate Aims/Policy Framework:** Do the proposals accord with the Policy Framework? Yes  No

**Financial Implications and Risk Considerations** N/A

**Statement by Director of Finance and E-Government:** N/A

**Equality/Diversity implications** Yes  No (see paragraph below)  
**Considered by Monitoring Officer:** Yes  Comments

Are there any legal implications? Yes  No  (see paragraph )

**Staffing/ICT/Property:** N/A

**Wards Affected:** All

**Scrutiny Interest:** N/A

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**TRACKING/PROCESS**

**EXECUTIVE DIRECTOR: Graham Atkinson**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

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**1.0 INTRODUCTION**

This report presents Members with an update on actions previously reported together with details of the various Planning Enforcement Notices served and Actions taken during the Period from 1<sup>st</sup> July 2006 to 30<sup>th</sup> September 2006. Notices which have been complied with in the previous Report have been removed from the List.

**2.0 PERFORMANCE**

During the Period 239 cases were closed or resolved of these 138 involved a breach of planning control, the remainder when investigated did not involve a breach of planning regulations.

Of the cases closed, 77% were closed within a 13 week period and of those which involved a site visit 85% of the visits took place within 10 days of the complaint being received.

During the Period from 1<sup>st</sup> April 2006 to 30<sup>th</sup> September 2006, 330 complaints were received and a total of 36 Notices of various types have been served and added to the List below. One prosecution has been initiated, the details of which are also included in the List.

**3.0 CONCLUSIONS**

For the three quarters in 2006, the number of complaints has remained consistently around 160 per quarter. This compares with a figure of 110 for the three previous quarters in 2005. The number of planning Enforcement complaints is therefore being maintained at a high level.

The number of Notices being served and formal action being taken is also continuing to increase from 12 in the first quarter in 2006 to 21 in this last quarter.

**List of Background Papers:-**

None.

**Contact Details:-**

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**UPDATE OF LIST OF NOTICES SERVED AND ACTIONS TAKEN**

<b>ACOLAID CASE NUMBER</b>	<b>ADDRESS / LOCATION</b>	<b>BREACH OF PLANNING CONTROL</b>	<b>TYPE OF NOTICE SERVED</b>	<b>APPEAL MADE AND RESULT</b>	<b>COMPLIANCE / ACTION TAKEN</b>
04/0029	51 to 53 Bolton Street, Ramsbottom	Installation of new shop front within a Conservation Area	Enforcement Notice served 13/10/04	No Appeal	Instructions with Legal for second prosecution
05/0273	10 Bell Lane, Bury	Unauthorised use of premises as a Health Club	Enforcement Notice served 13/12/05	No Appeal	Investigation continuing to secure compliance via prosecution or submission of planning application
05/0372	Land at Philips Park Road West, Whitefield	Tipping tarmac scrapings on access track	Enforcement Notice served 9/1/06	Appeal pending	Planning permission granted continuing to monitor for compliance
05/0372	Land at Philips Park Road West, Whitefield	Tipping of clays, waste materials and engineering operation	Enforcement Notice served 9/1/06	Appeal pending	Planning permission granted continuing to monitor for compliance
05/0216	Land at Dofferfold Farm, St. Andrews Road, Radcliffe	Storage and residential use of static caravans	Enforcement Notice served 24/1/06	No Appeal	Notice part complied with continuing to monitor for compliance
05/0126	Land at Watling Street, Affetside, Bury	Storage and residential use of caravans and mobile	Enforcement Notice served 13/2/06	Appeal made- Public	Appeal dismissed Enforcement Notice slightly varied. Site checked on 20/9/06 caravans

		homes		Inquiry held on 20/6/06	and mobile homes now removed. Notice complied with
05/0218	Land at Eaves Cottage, Hawkshaw Lane, Bury	Erection of wall and fencing	Enforcement Notice served 14/3/06	No Appeal	Site checked 20/9/06 Proceeding towards prosecution for non compliance
05/0218	Land at Eaves Cottage, Hawkshaw Lane, Bury	Change of use from open moorland to domestic curtilage	Enforcement Notice served 14/3/06	No Appeal	Proceeding towards prosecution for non compliance
05/0218	Land at Eaves Cottage, Hawkshaw Lane, Bury	Building garage without planning permission	Enforcement Notice served 14/3/06	No Appeal	Proceeding towards prosecution for non compliance
05/0397	Land at 8 Chapeltown Road, Radcliffe	Retention of dormer to garage following refusal of planning permission	Enforcement Notice served 20/3/06	No Appeal	Lawful Development Certificate granted for a smaller dormer. Site checked on 12/9/06 smaller dormer nearly completed Notice complied with
05/0418	11 to 13 Victoria Buildings, Silver Street, Bury	Installation of new shop front without planning permission	Enforcement Notice served 20/3/06	Appeal submitted	Still awaiting result of Appeal
04/0086	Land at Keystone Cottage, Taylors Lane, Ainsworth, Bury	Without the benefit of planning permission erection of a timber riding area cover	Enforcement Notice served 16/5/06	No Appeal	Planning Application no. 46674 submitted and withdrawn a further application is to be submitted in the near future. To continue to monitor the

					situation.
05/0175	Land at Hollybank Street, Radcliffe used by FAM Ltd	Unauthorised change of use of land for storage of broken down and accident damaged vehicles in connection with a vehicle recovery business	Enforcement Notice served 24/5/06	No Appeal	Retrospective planning application no. 46703 submitted on 24/7/06 – approved on 27/9/06 subject to conditions
06/0194	Land being the site of the former Gin Hall reservoir, Walmersley Road, Bury	Without planning permission carrying out a change of use by importation and depositing waste materials, slurry, bio solids and failing to comply with planning condition regarding a landfill gas control scheme	Enforcement Notice served 21/6/06	No Appeal	Importation of waste ceased To check if Notice complied with after compliance period expires on 17/10/06
06/0194	Land being the site of the former Gin Hall reservoir, Walmersley Road, Bury	Untidy Land	Section 215 Notice served 21/6/06	No Appeal	To check if Notice complied with after compliance period expires on 17/10/06

06/0194	Land being the site of the former Gin Hall reservoir, Walmersley Road, Bury – further area of land	Without planning permission carrying out a change of use by importation and depositing waste materials, slurry, bio solids	Enforcement Notice served 21/6/06	No Appeal	Importation of waste ceased To check if Notice complied with after compliance period expires on 17/10/06
06/0273	Site of former Radcliffe Paper Mill, James Street, Radcliffe	Importation and deposit of sand, clays, soils, rubble and similar waste materials without planning permission and use of land as a builders compound	Enforcement Notice served 28/6/06	Appeal lodged 4/9/06	Await result of Appeal before considering further action
05/0277	120 Railway Street, Summerseat, Ramsbottom	Erection of second floor rear dormer including alteration of ridge line	Enforcement Notice served 3/7/06	No Appeal	To check if Notice complied with after compliance period expires on 29/10/06
05/0387	12 Lime Grove, Walmersley Road, Bury	Erection of fencing to the rear of 12 Lime Grove, over 2 metres in height, without planning permission	Enforcement Notice served on 24/7/06	No Appeal	Planning Application no. 46806 submitted on 11/8/06 – approved on 28/9/06
05/0410	1 Holly Street, Bury	Siting a van body within the rear garden area without planning permission	Enforcement Notice served on 24/7/06	No Appeal	To check if Notice complied with after compliance period expires on 21/10/06

06/0376	51 to 53 Bolton Street, Ramsbottom, Bury	Installation of a new shop front within a Conservation Area without planning permission	Enforcement Notice served on 2/8/06	No Appeal to date	To check if Notice complied with after compliance period expires on 8/10/06. Contact made by builders regarding installation of shop front to comply with the Notice
04/0260	Land situated between Politt Street and Cock Clod Street, Bury	Untidy land	Section 215 Untidy land Notice served on 8/8/06	No Appeal	To check if Notice complied with after compliance period expires on 29/11/06
05/0279	Zaidy's Pizza and Curry House, 14 Bolton Street, Ramsbottom, Bury	Premises remaining open outside permitted hours in contravention of condition 4 of C/19837/87	Enforcement Notice served on 16/8/06	No Appeal to date	Notice being complied with continuing to monitor
05/0279	Zaidy's Pizza and Curry House, 14 Bolton Street, Ramsbottom, Bury	Premises remaining open outside permitted hours in contravention of condition 4 of C/19837/87	Breach of Condition Notice served on 16/8/06	N/A	Notice being complied with continuing to monitor. Breach of Condition Notice also served in case Enforcement Notice appealed against
05/0279	Zaidy's Takeaway, 14 Bolton Street, Ramsbottom, Bury	Breach of Planning Condition regarding opening hours	Planning Contravention Notice served 11/7/06	N/A	Notice complied with. Answers to questions asked in the Notice returned, Enforcement Notice and Breach of Condition Notice later served details above



06/0374	Land at rear of 110 Stanley Road, Radcliffe, Manchester	Unauthorized engineering operation and the tipping of soils, rubble, aggregates, clay and other materials	Temporary Stop Notice served on 15/8/06	N/A	Notice complied with
06/0095	24 Shepherd Street, Bury	Without planning permission the erection of a car port structure	Enforcement Notice served on 23/8/06	No Appeal to date	To check if Notice complied with after compliance period expires on 28/12/06
06/0095	24 Shepherd Street	Erection of extension without planning permission	Planning Contravention Notice served 20/7/06	N/A	Details obtained Enforcement Notice later served on 23/8/06, details above
06/0428	Yesoiday Hatorah School, Bury New Road, Prestwich, Bury	Without planning permission the excavation and laying down of a driveway and car park	Temporary Stop Notice served on 30/8/06	N/A	Notice being complied with to date
06/0243	Briggs site junction of Manor Street / Fountain Street, Bury	Breach of conditions 2 and 9 of planning permission 32631/96, relating to provision of storage bays and skips and height of stored materials	Breach of Condition Notice served on 6/9/06	N/A	To check if Notice complied with after compliance period expires on 18/10/06

06/0243	Briggs site junction of Manor Street / Fountain Street, Bury	Breach of conditions 2 and 9 of planning permission 32631/96, relating to provision of storage bays and skips and height of stored materials	Enforcement Notice served on 6/9/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 18/10/06
05/0426	Land and property at 5 Ringley Drive, Whitefield	Untidy land and property	Section 215 Untidy Land Notice served on 22/8/06	Appeal made	Awaiting result of Appeal to be heard at Magistrates Court before considering further action to be taken
05/0020	Land at Cinder Hill Stables, Old Coach Road, Chesham Road, Bury	Without planning permission change of use of Green Belt land at Cinder Hill Stables to land for siting of a caravan and mobile home for residential purposes together with plant equipment and machinery	Enforcement Notice served on 19/9/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 25/1/07
06/0280	11 Spring Street, Tottington, Bury	Without planning permission the erection of a side and rear extension at 11 Spring Street	Enforcement Notice served on 20/9/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 22/1/07

06/0009	Hedge to rear garden of 110 and 112 Park Road Prestwich	Formal complaint regarding high hedge	High Hedge Remedial Notice served on 31/7/06	No Appeal made to date	To check if Notice complied with and the Hedge reduced to a maximum height of 3.8 metres above ground level after compliance period expires on 31/11/06
06/0134	The Homestead, 1 Ainsworth Hall Road, Bury	Unauthorised pruning of trees within a Conservation Area	Prosecution initiated	N/A	Mr Eady was dealt with at Bury Magistrates Court on 30/8/06, where following a Guilty Plea he was given an Absolute Discharge and fined £150 costs.
05/0322	LA Pizza, 355 Brandlesholme Road, Bury	Breach of Planning Condition regarding opening hours	Planning Contravention Notice served 11/7/06	N/A	Notice complied with. Answers to questions asked in the Notice returned, planning application to vary opening hours submitted. Awaiting decision before further action considered
05/0399	10 Lilac Avenue, Bury	Use of residential property as a Religious Teaching Centre	Planning Contravention Notice served 11/7/06	N/A	Use of premises ceased No further action required

N/A in the Appeal made column means that there is no Appeal available for these types of Notices under Planning Legislation