

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 23 January 2007

SUBJECT: PLANNING ENFORCEMENT

REPORT FROM: BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER

CONTACT OFFICER: TOM MITCHELL, DEVELOPMENT MANAGER

TYPE OF DECISION: Council

REPORT STATUS: For Publication

PURPOSE/SUMMARY:

The report summarises the Planning Enforcement Activity for the Period 1st October 2006 to 31st December 2006

OPTIONS AND RECOMMENDED OPTION (with reasons):

The Committee is recommended to note the decisions described below.

IMPLICATIONS -

Corporate Aims/Policy Framework:	N/A
Financial Implications and Risk Considerations	N/A
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	N/A

Considered by Monitoring Officer:	N/A
Are there any legal implications?	No

Staffing/ICT/Property:	N/A
Wards Affected:	ALL
Scrutiny Interest:	N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR: Graham Atkinson

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

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 1st October 2006 to 31st December 2006.

Notices which have been complied with in the previous Report have been removed from the List

PERFORMANCE

During the period 84 cases were closed or resolved of these 44 involved a breach of planning control, the remainder when investigated did not involve a breach of planning regulations.

Of the cases closed, 75% were closed within a 13 week period and of those which involved a site visit 91% of the visits took place within 10 days of the complaint being received.

COMPLAINT CASES RECEIVED

During the Period from 1st October 2006 to 31st December 2006, 150 complaints were received and a total of 20 Notices of various types have been served and added to the List below. 1 prosecution has been initiated, the details of which are also included in the List.

UPDATE OF LIST OF NOTICES SERVED AND ACTIONS TAKEN

ACOLAID CASE NUMBER	ADDRESS / LOCATION	BREACH OF PLANNING CONTROL	TYPE OF NOTICE SERVED	APPEAL MADE AND RESULT	COMPLIANCE / ACTION TAKEN
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	Notice complied with no further action to be taken
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
05/0218	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	Appeal submitted	Awaiting result of Appeal before taking further action
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	Enforcement Notice upheld and varied at Appeal, continuing to monitor to ensure compliance with Notice
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	Further Planning Application no. 47237 submitted awaiting result and continuing to monitor the situation.
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 Continuing to monitor to ensure compliance with the steps of the Notice
06/0194	Land being the site of the former Gin	Untidy Land	Section 215 Notice served 21/6/06	No Appeal	Continuing to monitor to ensure compliance with the Notice

	Hall reservoir, Walmersley Road, Bury				
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	Continuing to monitor to ensure compliance with the steps of the Notice
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	Notice not complied with progressing towards prosecution
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 to monitor to ensure amendments to existing structure as planning permission

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	Site checked 6/11/06 container removed Notice complied with
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	Appeal made but withdrawn	New shop front installed. Notice complied with 16/10/06. Notice withdrawn prior to Appeal No further action required.
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	Notice not complied with proceeding towards prosecution
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	Complaints received Notice not being complied premises being monitored
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	Complaints received Notice not being complied with premises being monitored
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

06/0243	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	Monitoring to ensure compliance with the steps of the Notice
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	Monitoring to ensure compliance with the steps of the Notice
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 on 3/1/07 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	Appeal made on 14/11/06	Awaiting result of Appeal before deciding upon next course of action
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	Monitoring to ensure compliance with Notice to ensure hedge reduced to a maximum height of 3.8 metres above ground level
06/0435	Walmersley Golf Course, Garretts Close, White Carr Lane, Walmersley, Bury	Engineering operation involving excavating and soil moving without planning permission	Temporary Stop Notice served on 6/10/06	N/A	Following discussion with the Club the Notice was withdrawn on 9/10/06
06/0228	Woodacre Trekking School, land adjacent to Prestolee Road, Radcliffe	Without the benefit of planning permission the siting of one touring caravan, one static caravan and two metal storage containers	Enforcement Notice served on 18/10/06	Appeal made on 11/12/06	Awaiting result of Appeal before deciding upon next course of action
06/0227	Land adjoining 8a Westbury Close, Elton, Bury	Without the benefit of planning permission the residential siting and use of a static caravan on the land	Enforcement Notice served on 30/10/06	No Appeal made to date	Following granting of planning permission and development commencing on site the Notice was withdrawn on 21/11/06
06/0053	Site of the former Park Hotel, Lowther Road, Prestwich	Untidy land	Section 215 Notice served on 31/10/06	No Appeal made	Site inspected on 13/12/06 Notice complied with

05/0101	Land off Brookshaw Street, Bury	Untidy land	Section 215 Notice served on 30/10/06	No appeal made	Site inspected on 21/11/06 Notice complied with
06/0374	Land to rear of 110 Stanley Road, Radcliffe	Importation and tipping of soils, rubble, aggregates and other materials	Enforcement Notice served on 9/11/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 9/2/07
05/0294	Land adjacent to 107 Croft Lane, Hollins, Bury	Without the benefit of planning permission, the unauthorised erection of a timber summerhouse	Enforcement Notice served on 20/11/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 21/3/07
05/0295	Whitefield House, former Whitefield Town Hall, Pinfold Lane, Whitefield	Untidy land	Section 215 Notice served on 15/11/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 15/3/07
06/0202	Simons House Farm, Redisher Lane, Hawkshaw, Bury	Unauthorised building work to roof, walls, windows and door openings	Enforcement Notice served on 7/12/06	No Appeal made to date	To check if Notice complied with after compliance period expires on 12/5/07
06/0379	Hedge to the South of The Willows, Hawkstone Avenue, Whitefield	Formal complaint regarding high hedge	High Hedge Remedial Notice served on 14/11/06 (1 of 3 Notices served at the property for 3 high hedges)	No Appeal made to date	To check if Notice complied with after compliance period which expires on 14/3/07 reducing hedge to a max height of 5.3 metres
06/0379	Hedge to the South West of The Willows, Hawkstone	Formal complaint regarding high hedge	High Hedge Remedial Notice served on 14/11/06	No Appeal made to date	To check if Notice complied with after compliance period which expires on 14/3/07 reducing hedge to a max height

	Avenue, Whitefield				of 5.5 metres
06/0379	Hedge to the South of The Willows, Hawkstone Avenue, Whitefield	Formal complaint regarding high hedge	High Hedge Remedial Notice served on 14/11/06	No Appeal made to date	To check if Notice complied with after compliance period which expires on 14/3/07 reducing hedge to a max height of 3.3 metres
05/0294	Land at 107 Croft Lane, Hollins, Bury	Erection of timber summerhouse	Planning Contravention Notice served on 10/10/06	N/A	Notice complied with, information returned as required
06/0227	Land at 8 Westbury Close, Bury	Residential use of caravan	Planning Contravention Notice served on 17/10/06	N/A	Notice complied with, information returned as required
06/0252	Land at Manchester Maccabi, Brooklands Playing Fields, Bury Old Road, Prestwich	Fail to comply with planning condition regarding installation of visibility splay	Planning Contravention Notice served on 24/10/06	N/A	Notice complied with, information returned as required
06/0289	14 Birch Avenue, Tottington, Bury	Erection of a fence more than 1 metre in height adjacent to a highway	Planning Contravention Notice served on 02/11/06	N/A	Notice complied with, information returned as required
06/0289	12 Birch Avenue, Tottington, Bury	Erection of a fence more than 1 metre in height adjacent to a highway	Planning Contravention Notice served on 02/11/06	N/A	Notice complied with, information returned as required

06/0313	28 Shepherd Street, Bury	Running a car repairs business from the garage at the property	Planning Contravention Notice served on 02/11/06	N/A	Notice complied with, information returned as required
06/0398	80 Bridge Street, Ramsbottom	Installation of a roller shutter	Planning Contravention Notice served on 16/11/06	N/A	Notice complied with, information returned as required
06/0460	2 and 4 Fletcher Street, Bury	Change of use of building into a Religious Teaching Centre	Planning Contravention Notice served on 12/12/06	N/A	Notice complied with, information returned as required
N/A	Drum Works, Park Road, Bury	Unauthorised tipping on land	Assisted Environment Agency as witness in Prosecution	N/A	Awaiting Court Decision

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

CONCLUSIONS

For the yearly Period 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 remaining at a high level.

From	To	Number of Notices Served	Number of complaints received
1/1/06	31/3/06	12	159
1/4/06	30/6/06	16	162
1/7/06	30/9/06	21	172
1/10/06	31/12/06	20	150

List of Background Papers:-

None

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