

# REPORT FOR INFORMATION

Agenda  
Item

7

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>	
<b>DATE:</b>	<b>25<sup>th</sup> January 2022</b>	
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>	
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>	
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT</b>	
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>	
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain	
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1st October 2021 to 30th December 2021	
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report	
<b>IMPLICATIONS:</b>		
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? No	
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A	
<b>Statement by Executive Director of Resources:</b>	N/A	
<b>Equality/Diversity implications:</b>	No (see paragraph below)	
<b>Considered by Monitoring Officer:</b>	Yes	Comments

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

## 1.0 BACKGROUND

This report presents a brief analysis of Enforcement performance and activity for the period between 1st October 2021 and 30th Dec 2021 and includes table 1 (below) showing a statistical analysis of performance over that period.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council's adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

*Table 1*

	<b>Period 01/10/21 to 30/12/21</b>
Number of Complaints received	<b>76</b>
% where initial site visit within 10 working days	<b>84.50%</b> (average time to visit 5 working days)
Number of complaints resulting in a breach of Planning Control	<b>23</b>
Number of Enforcement Notices served	<b>0</b>
Number of Stop Notices served	<b>0</b>
Number of Breach of Condition Notices served	<b>0</b>
Number of Section 215 Untidy land/building Notices served	<b>1</b>
Number of Temporary Stop Notices served	<b>0</b>
Number of Planning Contravention Notices served	<b>0</b>
Number of Injunctions served	<b>0</b>
Number of Prosecutions made	<b>0</b>
Number of Prosecutions referred to Legal for Prosecution	<b>0</b>
Number of Formal Cautions issued / Interviews Under Caution	<b>0</b>
Number of Works in Default actions taken	<b>0</b>
Number of High Hedges Remedial/Tree Replacement Notices served	<b>0</b>
<b>Total Number of Notices/Actions</b>	<b>1</b>

## **2.0 ISSUES**

### **CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS**

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

### **3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED**

Table 1 above sets out statistical information for the period 1st October 2021 to the 30th December 2021.

There is a slight reduction in complaints from the 95 of the previous quarter (July – September) and the 130 on the quarter before that (April to June). Complaints relating to outbuildings, fences and tree works have reduced in these latest figures which may be explained by the Winter months and a slightly extended Christmas shutdown.

During this period, we received 76 complaints that required a formal investigation. Out of the 76 complaints, it has been determined that 23 have breaches of planning control following investigation.

It should be noted that complaints that have been logged towards the end of the month are still being investigated as we are awaiting responses from owners.

Where a site visit is required, we are currently visiting sites within 8 working days.

We are still dealing with a number of initial complaints due to the Covid situation. Noise and boundary disputes along with running a business (working from home) account for the bulk of this type of complaint. Some of these are not logged, following a description from the complainant, as they are not of a planning nature. Other cases which might have required the removal of works or making good have been delayed due to the general lack of labour and materials. We have adopted, in some cases, a 'softly softly' approach as to prosecute might prove problematic if challenged in the courts.

It should also be noted that the Covid situation has affected the Courts ability to deal with cases and this has impacted on one of our enforcements which has been set back on three occasions due to the Courts workload.

We still have a number of pending notices. Negotiations with the planning department have been undertaken and are awaiting information that can allow the planning matters to be discharged. We continue to monitor these cases.

## **Food/Drink Establishments and 'Pop-Ups'**

We had been led to believe that Government guidance relating the relaxation of planning rules within the food and drinks industry would be overhauled in January 2022. As yet, we have had no further update, so at the present time we are adopting a watching brief and kept a log of these complaints, which we can revisit once the current guidance is removed. We are working closely with our licensing colleagues to ensure that if complaints are made to either department then this information is shared.

In essence, Government's approach is suggesting a light touch type of approach and following from this, action should be taken where it is appropriate to do so. This may be for reasons of inappropriately sited structures, the creation of traffic concerns, amenity consideration and built historic importance to name but a few.

Other agencies within the Local Authority, such as Traffic, Licensing or Environmental Health regimes are and do still have an input and have the ability to impose their own restrictions or considerations where this may be appropriate.

## **Complaints Categorisation**

The 76 complaints we have received over the last quarter can be largely categorised as follows (The previous quarter is within the brackets);

Untidy land –	5 (2)
Outbuildings -	18 (19)
Breach of Conditions –	18 (18)
Fences/Decking –	10 (12)
Not built in Accordance with approved Plans	11 (12)
Trees –	3 (6)
Business –	4 (13)
Change of Use –	7 (13)

### **3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN**

As previously stated, we have a number of Notices that are held in abeyance due to applications being made to the Planning department that are being currently being considered.

#### **Enforcement Appeal Decisions**

There have been no Enforcement Appeal Decisions within the past quarter.

Members may also be interested in other complaints received during the period, please see Appendix 1 for the full list of complaints formally investigated during this past year.

### **3.0 CONCLUSION**

The majority of cases logged in the past 3 months have generally been dealt with via negotiation and applications being submitted to the Development Management Team. There are three or four cases currently that may require more formal action. Action on those cases where notices have been issued and held in abeyance, will be dependent on planning application outcomes.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a significant impact on the workload of the Enforcement Team, however, this is the nature of the work.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public. It is recognised that the workload levels are such that the Enforcement Charter reply times are not being hit in some minor cases but where significant breaches arise, these are dealt with well within the Charter reply times.

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#### **Appendix 1 – List of Enforcement complaints received between 01/10/2021 and the 30/12/2021**

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Enforcement Complaints received between 01/10/2021 and 31/12/2021

21 /0420 PK 1 Ladythorn Avenue, Prestwich, Manchester, M25 9RW

Remove existing unauthorised fence and replace with the approved one, application 67655

17/12/2021

21 /0382 PK 1 Westholme Road, Prestwich, Manchester, M25 2RE

Erection of outbuilding in rear garden  
09/11/2021

21 /0357 PK 10 Bedford Street, Bury, BL9 6ET

Erection of rear extension  
11/10/2021

21 /0364 DMO 11 Brookthorpe Road, Bury, BL8 3AB

Condition no. 5 of planning permission 67223 has not been implemented  
(streetlight not replaced)  
19/10/2021

21 /0395 PK 11 Redmere Drive, Bury, BL9 9GB

Change of use of residential garage to hot food takeaway  
22/11/2021

21 /0362 DMO 12 Birley Street, Bury, BL9 5DT

Building works at rear  
18/10/2021

21 /0408 DMO 12 Philips Drive, Whitefield, Manchester, M45 7PY

Extension not built in accordance with approved plans 3 no. ground floor windows  
to side  
10/12/2021  
elevation

21 /0412 PK 13 Windsor Road, Prestwich, Manchester, M25 0DZ

Not being built in accordance with approved plans of planning permission 65307  
14/12/2021

21 /0389 DMO 149 Brandlesholme Road, Bury, BL8 1BA

Erection of outbuilding that is used for running business from home  
19/11/2021

21 /0361 PK 17 Charlbury Avenue, Prestwich, Manchester, M25 0FJ

Erection of structure in rear garden  
15/10/2021

21 /0396 PK 175 Simister Lane, Prestwich, Manchester, M24 4SJ

New roof to garage with velux windows  
25/11/2021

21 /0399 PK 18 Derwent Walk, Whitefield, Manchester, M45 8HJ

Untidy land  
25/11/2021

21 /0419 PK 181 Tottington Road, Bury, BL8 1RX

17/12/2021  
Change of use from 6 bed HMO to 7 bed HMO

21 /0403 DMO 19 Plantation Grove, Bury, BL9 8LS

Extended garden onto neighbouring land  
01/12/2021

21 /0415 DMO 1A Langley Hall Road, Prestwich, Manchester, M25 3BZ

Breach of condition planning permission 66903 (encroachment)  
14/12/2021

- 21 /0379 PK 1A Radcliffe New Road, Whitefield, Manchester, M45 7QX  
Change of use of first floor flat to hair salon  
08/11/2021
- 21 /0391 PK 2 Northurst Drive, Prestwich, Manchester, M8 4LS  
Erection of outbuilding  
19/11/2021
- 21 /0400 DMO 223 Walmersley Road, Bury, BL9 5DF  
Non compliance with condition no. 3 for parking provision on p/p 66822  
29/11/2021
- 21 /0353 DMO 24 26 Bolton Street, Ramsbottom, Bury, BL0 9HX  
Installation of 2 no. roller shutters  
05/10/2021
- 21 /0416 PK 25 Hardmans Road, Whitefield, M45 7BB  
Running a car repair business from home  
15/12/2021
- 21 /0424 DMO 26 Harwood Road, Bury, BL8 3PY  
The land behind property is green belt land and they are currently on site removing all the trees, all  
22/12/2021 old oak trees are being completely destroyed, all the trees are going to be gone.
- 21 /0375 DMO 27 Stainton Road, Radcliffe, Manchester, M26 3TP  
Unauthorised building works  
04/11/2021
- 21 /0423 PK 271 Bury New Road, Whitefield, Manchester, M45 8QP  
Breach of condition 3 for planning permission 54839 for works to be carried out to the footway.  
20/12/2021
- 21 /0394 PK 3 North Avenue, Tottington, Bury, BL8 4DU  
Erection of brick wall at front and rear  
22/11/2021
- 21 /0383 PK 309 Walmersley Road, Bury, BL9 5EZ  
Change of use of property into 7 no. flats and conversion of garage into living accommodation  
10/11/2021
- 21 /0397 DMO 31 Waterside Road, Summerseat, Ramsbottom, Bury, BL9 5QL  
Extension at front  
26/11/2021
- 21 /0381 DMO 311 Holcombe Road, Tottington, Bury, BL8 4BB  
Has been floating between BR and Planning appears to be a boundary dispute.  
Awaiting  
02/11/2021  
complainant/Cllr Dean to call back
- 21 /0373 PK 37 Kendal Road West, Tottington, Bury, BL0 9SY  
Running mini van/transport business from home  
04/11/2021
- 21 /0421 PK 395 Bury New Road, Whitefield, Manchester, M45 7SU  
Extension above rear garage  
17/12/2021

- 21 /0354 PK 4 Leyburn Close, Whitefield, Manchester, M45 7UE  
Loft conversion/dormer extension  
07/10/2021
- 21 /0411 PK 409 Dumers Lane, Radcliffe, Manchester, M26 2QN  
Breach of condition of planning permission 56636 (3 no, flats not 2 as approved )  
14/12/2021
- 21 /0348 DMO 41 Kenmor Avenue, Bury, BL8 2DY  
Dormer roof extension at rear  
01/10/2021
- 21 /0401 PK 433 Bury New Road, Prestwich, Manchester, M25 1AF  
Installation of extraction flue  
18/11/2021
- 21 /0377 PK 46 Watling Street, Bury, BL8 2JJ  
Erection of fencing  
08/11/2021
- 21 /0386 PK 47 Riverside Road, Radcliffe, Manchester, M26 2PX  
Running business from property and change of use of the property to HMO (House of Multiple Occupation)  
15/11/2021
- 21 /0404 DMO 5 Bury Old Road, Prestwich, Manchester, M25 0FX  
Timber cladding/structure to outside of building  
03/12/2021
- 21 /0378 DMO 5 Meadway, Bury, BL9 9TY  
Untidy land  
08/11/2021
- 21 /0407 DMO 50 Bridge Street, Ramsbottom, Bury, BL0 9AQ  
Installation of extractor flue to side elevation  
10/12/2021
- 21 /0402 PK 503 505 Bury New Road, Prestwich, M25 7AJ  
New shop front and new front sign and change of use of premises  
01/12/2021
- 21 /0358 PK 512 Manchester Road, Bury, BL9 9NZ  
Erection of front porch  
12/10/2021
- 21 /0384 PK 52 Bury Old Road, Prestwich, Manchester, M25 0ER  
Breach of condition no.1 of temporary planning permission 60004 (Portacabin to be on site no more than 3 years) and addition of 1 no. portacabin  
10/11/2021
- 21 /0387 DMO 56 Windsor Road, Prestwich, Manchester, M25 0DE  
Not being built in accordance with planning permission 66998  
15/11/2021
- 21 /0393 DMO 6 Garden Street, Summerseat, Ramsbottom, Bury, BL9 5PQ  
Erection of fencing to driveway and new vehicular access  
22/11/2021

- 21 /0356 DMO 6 Mile Lane, Bury, BL8 2DS  
Erection of structure in rear garden and installation of 2 no. velux windows  
11/10/2021
- 21 /0366 PK 6 North View, Whitefield, Manchester, M45 7UP  
Storage container in front garden  
21/10/2021
- 21 /0351 DMO 6 Ringley Close, Whitefield, Manchester, M45 7HR  
Unauthorised works adjacent 4 Ringley Close  
05/10/2021
- 21 /0374 PK 61 Scholes Lane, Prestwich, Manchester, M25 0AW  
Erection of fencing and double gates at rear  
04/11/2021
- 21 /0410 PK 68 Ringley Road, Whitefield, Manchester, M45 7LN  
Untidy land  
14/12/2021
- 21 /0406 DMO 75 Bankhouse Road, Bury, BL8 1DY  
Single storey rear extension not built in accordance with approved plans of planning permission  
02/12/2021  
66831 and new roof light
- 21 /0388 DMO 8 Parrenthorn Road, Prestwich, Manchester, M25 2RH  
Erection of fencing and removal of shared hedgerow  
15/11/2021
- 21 /0367 DMO 81 Holme Avenue, Bury, BL8 1HW  
Installation of cctv camera  
27/10/2021
- 21 /0360 DMO Badger Street, Bury, BL9 6AD (and other nearby streets)  
Complaint regarding graffiti and general untidy land relating to premises and land within the area.  
14/10/2021
- 21 /0417 DMO Buckley Lane, Prestwich, M25 3HR (Former Viidor waste transfer station)  
Breach of condition, Construction Management Plan  
15/12/2021
- 21 /0390 DMO Fletcher Bank Quarry/Ramsbottom Works, Manchester Road, Ramsbottom, Bury, BL0 0DD  
Breach of condition no.8 (vehicle wheel washing) of planning permission 65585  
19/11/2021
- 21 /0371 DMO Fletcher Bank Works, Manchester Road, Ramsbottom, Bury, BL0 0DD  
Breach of Conditions No's 3,4 and 5 of 56576  
02/11/2021
- 21 /0409 PK Former Garage Colony Off Mosley Street/Hampson Fold, Radcliffe, Manchester, M26 4PF  
Breach of planning condition no. 17 (CTMP) of planning permission 63408  
14/12/2021
- 21 /0355 DMO Former Site of Andrew Textile Industries Ltd, Walshaw Road, Bury, BL8 1LF

Breach of construction management plan condition  
08/10/2021

21 /0398 DMO Former Viridor Waste Transfer Station, Buckley Lane,  
Prestwich, M25 3HR

Demolition of existing wall and landscaping not in accordance with approved plans  
(64977)  
22/11/2021

21 /0380 DMO Hey House, 2 Moorbottom Road, Ramsbottom, Bury, BL0 4NS

Unauthorised works being carried out to listed building  
05/11/2021

21 /0363 DMO Higher Woodhill Farm, Woodhill Road, Bury BL8 1BS

Not in accordance with planning approval 66859 Car parking and wall not  
'removed'  
19/10/2021

21 /0385 DMO Land Adjacent to The Coach House, Foot O The Rake,  
Ramsbottom, Bury, BL0 9HE

Turning the land into a car park and erection of wall  
12/11/2021

21 /0418 DMO Land at the side of no,18 Springside Road, Bury, BL9 5JE

Land to the side of 18 Springside Road. Large fences have been erected  
today. Strong water  
16/12/2021

course North to South under the land and caller has huge concerns for the  
land. Large machinery

in place and digging has commenced the digging started 15/12

21 /0350 DMO Land Between 7 & 11 Prestwich Park Road South, Prestwich,  
Manchester, M25 9PF

Breach of condition no.9 of planning permission 59311  
01/10/2021

21 /0372 PK Land On Garside Hey Road, Bury, BL8 1HZ

Dilapidated wall  
03/11/2021

21 /0370 PK Land On Woodgate Hill Road, Bury, BL9 7LT

Works to TPO protected trees  
28/10/2021

21 /0414 DMO Land to the West of Manchester Road, Ramsbottom, Bury,  
BL0 0BZ

Breach of conditions relating to parking (Planning permission 63617)  
14/12/2021

21 /0369 DMO Lowercroft Industrial Estate, Lowercroft Road, Bury, BL8 3PA

Permitted light industrial use of (Class B1 0800 to 17.00hrs) and units are  
operating/making noise  
22/10/2021

well into the evening and weekend (one of the businesses does metal fabrication  
work (metal cutting and grinding) and disturbance by fork lift truck operating outside in the yard  
and many other noises and loud bangs); Previously burnt down structure has recently been re clad  
with block work

to the lower section also "lean to"s" built against the boundary walls in the North  
East corner of the

site (adjoining Whitecroft Drive and Wrigglesworth Close)

21 /0349 DMO Meadowcroft Farm, Lowercroft Road, Bury, BL8 3PD

Transportation and disposal of waste/rubble on site  
01/10/2021

6SP 21 /0413 DMO Mill Yard Cottage, Mount Pleasant, Nangreaves, Bury, BL9

Unauthorised works within a conservation area/listed building  
14/12/2021

21 /0405 DMO Millercare, 69 87 Bolton Road, Bury, BL8 2AH

Private parking signs  
06/12/2021

21 /0392 DMO Park Hill, 1A Bury Old Road, Prestwich, Manchester, M25 0FX

Erection of marquee in car park  
18/11/2021

21 /0368 PK Rear of 2 Holly Street, Tottington, Bury, BL8 3EZ

Erection of outbuilding  
27/10/2021

21 /0376 DMO The Croft, Moorbottom Road, Ramsbottom BL8 4NS

Unauthorised building work (external flue)  
05/11/2021

21 /0422 DMO The Tyre Station, Unit 1, Manor Street, Bury, BL9 7BL

High build up of tyres on pavement, unsafe  
17/12/2021

21 /0365 PK Whitefield County Primary School, Victoria Avenue, Whitefield, Manchester, M45 6DP

Works to 5 no. sycamore trees that are part of tree protection order no. 255  
20/10/2021

21 /0359 DMO York Street, Radcliffe, Manchester, M26 2WH (Pins)

Breach of construction management plan  
11/10/2021

<sup>76</sup>  
Number of Complaints

### Contact Details:-

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