

Enforcement Report

SUMMARY

1.1 This report summarises the current work load of the enforcement officer.

RECOMMENDATION

2.1 To note the level of complaints dealt with by the officer.

REASONS FOR RECOMMENDATION

3.1 This report is for information only.

SUPPORTING INFORMATION

4.1 The intention is that a report will be presented to Committee every two months.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Paul Clarke
For more information contact: Background papers: List of appendices:	Paul Clarke Tel: 01332 641642 e-mail paul.clarke@derby.gov.uk Planning Application files Appendix 1 – Implications Appendix 2 – Enforcement Report update

IMPLICATIONS

Financial and Value for Money

1.1 None.

Legal

2.1 None.

Personnel

3.1 Planning enforcement continues to operate with a single officer within the Development Control Team, in conjunction with colleagues in the Legal Division when necessary. This is an on-going challenge and has implications under 5 – Health and Safety.

IT

4.1 None.

Equalities Impact

5.1 None.

Health and Safety

6.1 The demands of planning enforcement work need to be very carefully managed with the officer concerned.

Environmental Sustainability

7.1 None.

Property and Asset Management

8.1 None.

Risk Management

9.1 None.

Corporate objectives and priorities for change

10.1 None.

Enforcement Report Update – 13 November 2014

<u>Investigations</u>	<u>Unauthorised</u>	<u>Changes</u>	<u>Fences/</u>	<u>Breaches</u>	<u>Adverts</u>	<u>Sat</u>	<u>Untidy</u>	<u>* Trees</u>
<u>Total</u>	<u>Development</u>	<u>of Use</u>	<u>Walls</u>	<u>of</u>		<u>Dishes</u>	<u>Land</u>	<u>High/</u>
				<u>Condition</u>				<u>Hedges</u>
120	58	29	9	7	6	3	8	1

* These cases are handled by the Planning Technical Assistants Team Leader.

In addition to the incoming complaint workload recorded above, I have to report to Members the following cases of interest.

Notices served:

1. Burton Road / Warner Street - Two Enforcement Notices were served on 12 December on the owner of 298 Burton Road requiring:
 - a) The removal of an unauthorised timber framed roofed structure on top of a flat roofed garage facing Warner Street; and,
 - b) To stop the unauthorised use of the land and domestic garage underneath, for vehicle repairs, servicing, storage and sales of motor vehicles.
2. An appeal was lodged against the notice that requires the removal of the unauthorised roof structure. The vehicle repairs, servicing, sales and storage ceased some months ago.
3. Time for Compliance for both notices was 12 March 2014, (subject to the appeal procedure on one notice). On 6 June the Planning Inspectorate dismissed the appeal, upheld the enforcement notice and varied the compliance period from two to four months (the compliance date being 6 October 2014).
4. On 20 June an application for the retention and completion of the timber framed structure on top of the existing garage was submitted under code no. DER/06/14/00814. Conditional planning permission was granted on 15 August 2014.
5. A recent inspection on 16 October shows that the original wooden structure (the subject of the enforcement notice) is still in situ although the compliance date has expired, and no work has commenced to complete the structure under the above planning permission. The enforcement officer is monitoring the situation and will advise the applicant in writing that the planning permission under paragraph 4 above should be implemented or the works to remove the structure as required by the enforcement notice under paragraph 3 should be carried out.
6. 393 Duffield Road – Members have visited this site and will recall the enforcement notice that was served requiring the removal of an unauthorised balcony at this address. An appeal was made against the notice although an amended application was submitted, under code no. DER/04/13/00450, which was approved on 25 July 2013 and the appeal withdrawn.
7. Works have now been carried out. The balcony area has now been set in from the rear edge of the ground floor extension by approximately 1.5m, which is more than what was required (1.2m) to reduce the seating area and overlooking of 395 Duffield Road. The side balustrade is sited approximately 0.2m in from the edge of the balcony which is less than the dimension of 0.5m on the approved plan. The glass screen facing the neighbour at 395 Duffield Road is obscure glazing. The

enforcement officer visited the site on 16 October and, whilst there are minor deviations from the approved plans, it is considered that it would be unreasonable to insist that further alterations to the balcony be made to accord with those approved plans. Had the finished balcony design been submitted as part of the original application it would have received a positive recommendation by officers. Therefore, no further action is proposed and I trust members will agree that a satisfactory outcome has been reached after a rather lengthy enforcement process.