

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, or at intervals as agreed with the Chair and Vice Chair.

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
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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.

Appendix 2

Enforcement Report Update–23 July 2015

<u>Investigations</u> <u>Total</u>	<u>Unauthorised</u> <u>Development</u>	<u>Changes</u> <u>of Use</u>	<u>Fences/</u> <u>Walls</u>	<u>Breaches</u> <u>of</u> <u>Condition</u>	<u>Adverts</u>	<u>Sat</u> <u>Dishes</u>	<u>Untidy</u> <u>Land</u>	<u>* Trees</u> <u>High/</u> <u>Hedges</u>
70	44	9	3	5	4	1	2	2

* 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 case of interest.

Notices served:

1. Burton Road / Warner Street - Two Enforcement Notices were served on 12 December 2013 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 voluntarily.
3. Time for Compliance for both notices was 12 March 2014, (subject to the appeal procedure on one notice). On 6 June 2014 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 2014 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. On 18 December 2014 a further application, under code no. DER/12/14/01714 was received for a variation of condition 4 of the above previously approved planning permission, to allow the use of the garage and wooden roof structure as accommodation for the neighbouring bed and breakfast business (Use class C1). This application was refused permission on 19 March 2015.
6. A recent inspection of the unauthorised timber structure shows it to be still in its original position and condition.
7. It is important for members to note that a further appeal was lodged against Condition 4 of planning permission code no. DER/06/14/00814 which stated...*'The garage and associated first floor accommodation shall only be used for the storage of private motor vehicles and other purposes incidental to*

the enjoyment of the neighbouring dwelling known as No 298 Burton Road. The garage and associated first floor accommodation shall not be used for, or in connection with any trade or business.'

8. On 8 June this year the Planning Inspectorate allowed the appeal substituting the above condition for...*'The timber roof structure hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as No 298 Burton Road.'*
9. Following a letter to the applicant by the Enforcement Officer requesting the removal or completion of the timber structure the applicants agent informed us on 19 June that the applicant was away on holiday until the end of June and that on his return an application would be submitted to discharge Condition 3 of planning permission code no. DER/06/14/00814 (a pre-commencement condition in respect of materials) so that construction could commence as per the approved plans.
10. By the time of the meeting the agent and applicant will have been contacted again and a commencement date for completion of the development obtained. This will be reported orally to Committee at the meeting.