



**PLANNING CONTROL COMMITTEE**  
**15 October 2015**

# ITEM 7

Director of Partnerships, Planning and Streetpride

## 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 otherwise agreed with the Chair and Vice Chair.

### OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

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

<b>IMPLICATIONS</b>
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**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 – 15 October 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>
82	48	12	8	6	4	1	2	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 case of interest.

#### Notices served and chronology of events:

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).
6. On 19 March 2015 the above application was refused permission.
7. An appeal was made by the applicant and his agent disputing Condition 4 of the above planning permission 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 2015 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 on 19 June 2015 the applicants agent informed us 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 DER/06/14/00814 (a pre commencement condition in respect of materials) so that construction could commence as per the approved plans.
10. On 27 September 2015 a further inspection of the site confirmed that work has now commenced on the building and it is continuing towards completion. Further visits will be carried out to monitor progress prior to the meeting and an oral update will be provided at the meeting.