

**DR/13/19**

committee                DEVELOPMENT & REGULATION

date                        26 April 2019

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**ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM**

**Enforcement update.**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Suzanne Armstrong – Tel: 03330 136 823

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**1.        PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 1 January to 31 March 2019 (Quarterly Period 4).

**2.        DISCUSSION**

**A.       Outstanding Cases**

As at 31 March 2019 there are 19 outstanding cases. Appendix 1 shows the details of sites (9) where, after investigation, a breach of planning control is considered to have occurred.

**B.       Closed Cases**

11 cases were resolved during the period 1 January to 31 March 2019.

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**LOCAL MEMBER NOTIFICATION**

Countywide

## Enforcement Committee Report

<u>Location</u>	<u>Nature of problem</u>	<u>Remarks</u>
<b><u>Basildon</u></b>		
Terminus Drive Pitsea Hall Lane Pitsea SS16 4UH	Surfacing works not commenced in breach of pp	Breach of Condition 6 of permission ESS/13/15/BAS which requires the hard surface of the access road from the Waste Processing Building to Pitsea Hall Lane in accordance with the approved drawings. A Breach of Condition Notice has been served. Full compliance with the notice was due by February 2019. Works have commenced but not complete. A further visit is scheduled to ensure compliance with the notice served.
<b><u>Braintree</u></b>		
Straits Mill, Bocking, Braintree, CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. Waste is imported including wood, textiles, soils and other similar waste materials. A site office and weighbridge have been installed and waste is being processed on site. Essex County Council and the Environment Agency have adopted a joint working protocol; it was considered that the EA were the appropriate authority to deal with the notice for this site. A notice was served by the EA to remove all waste by the 31st December 2018. Whilst some progress has been made a substantial amount of waste remains on the land. The EA and ECC will consider their options in this case.
<b><u>Colchester</u></b>		
Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ	Importation of waste	Report to Development and Regulation Committee in October 2017 recommendation that at the current time, no further action is taken by ECC as WPA in respect of the breach of the enforcement notice served, subject to the land being sold and any new land owners working with the WPA towards compliance with the notice. Members agreed the recommendation.
Lexden Springs School Winstree Road Stanway Colchester	Play equipment not in accordance with plans	Report presented to Members of the Development and Regulation Committee  Recommendation that taking into account the results of the harm assessment carried out on the 8th January 2019, it is not

		considered expedient to take enforcement action and that no further action will be taken to regularise this breach of planning control. Members discussed this case and considered that this should be subject to no further complaints being received.
<b><u>Rochford</u></b>		
James Waste Management, Land to the East of Brickfields Way, Purdys Industrial Estate, Rochford SS4 1NB	Site monitoring	Storage of waste outside permitted area. Site currently has a permission with Rochford District Council. A new application has been submitted to the WPA for an extension to the existing Materials Recovery Facility including the formation of an outside waste transfer area, the construction of a new building and other associated site works, plant and machinery.
<b><u>Tendring</u></b>		
Mantys Equestrian, Brook Farm, Nansen Road, Clacton-on-Sea CO15 5EF	Importation of waste	Importation and deposition of waste, raising the levels of the land. An enforcement notice was served for the removal of the waste materials. The notice has taken effect and compliance was due by the 21st June 2018. A report was presented to Members of the Development and regulation Committee on the 26th October 2018 it was agreed that; at the current time, no further action is taken by the County Council as Waste Planning Authority in respect of the breach of the enforcement notice issued in June 2017, subject to no further waste materials being imported to the land and the remaining unauthorised waste material being removed from the land by May 2019. Officers will continue to monitor the site to ensure that the land is restored appropriately in accordance with the requirements of the enforcement notice.
Wivenhoe asphalt plant, Alresford Road, Wivenhoe, Colchester CO7 9JU	Breach of Condition ESS/07/18/TEN Condition 51 requires the removal of the asphalt plant by 31st December 2018	A site monitoring visit identified that the asphalt plant has not been removed as required by condition 51 of application ESS/07/18/TEN which required the removal of the plant by 31st December 2018. A timescale has been agreed with the operator for complete removal of the plant. A further visit will be carried out to check compliance.

<b>Uttlesford</b>		
<p>New Farm, Elsenham Road, Stansted, CM24 8SS</p>	<p>Importation of waste</p>	<p>Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The land owner and tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice has not been complied with and a hearing was listed at the Magistrates Court for the 29th March 2018 to prosecute the land owner for non-compliance with the enforcement notice. Information came to light from the defendant's solicitor (land owner) that indicates further enquiries need to be undertaken. Essex Legal Services continued communication with the defendant's solicitor.</p>
<p>Oakbury House, Molehill Green Takeley, CM22 6PH</p>	<p>Deposit of waste</p>	<p>Importation of waste raising the levels of the land. The waste deposited is to be removed and the land owner is working with the WPA to rectify the breach of planning control. Progress is being made, however due to the location of the land within a small village it is accepted that the removal may take some time in order to minimise the impact on local residents. Officers will continue to monitor the site to ensure removal of the deposited material.</p>