

## **Regulatory Committee**

**13 June 2017**

### **Planning Enforcement Investigations**

#### **Recommendation**

That Members note the information in this report.

#### **1.0 Purpose**

- 1.1 This report is to provide details on current active and recently resolved Planning Enforcement investigations by Warwickshire County Council Planning Enforcement where there has been either formal action taken by the Council or a planning application submitted.
- 1.2 This report does not cover matters being investigated by district or borough councils or other agencies or where the complaint has not been received by Warwickshire County Council.
- 1.3 Section 2.0 contains the current cases under investigation. The cases are divided by district.
- 1.4 Section 3.0 contains a list of recently resolved matters that are no longer under active investigation
- 1.5 Section 4.0 contains a list of sites on the regular regime of monitoring arranged by frequency of visit.

## 2.0 Planning Enforcement Cases

### NORTH WARWICKSHIRE

Address	Date reported	Action to date	Proposed Next Steps
Mullensgrove Farm, Kingsbury Road, Curdworth, B76 0DF  <i>Wood shredding and composting</i>	2007	Planning permission refused and Enforcement Notice served in 2007; appeal dismissed 2008 and use ceased. However continues at low level. No complaints received. Owner and agent contacted for update by no reply received.	HS2 line runs through site which will lead to its removal. HS2 received Royal Assent February 2017. Works to commence in due course. Continue to monitor.
Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS  <i>Non-compliance with restoration conditions</i>	July 2014	Planning application to redevelop the site refused by NWBC. Appeal submitted; inquiry held 21 February 2017 and ongoing with days scheduled for May 2017.	Ongoing discussions with landowner who has suggested restoration scheme is invalid.
Marston Fields Farm, Kingsbury Road, Marston, Sutton Coldfield, B76 0DP  <i>Operating outside of approved area, hard surfacing; planning conditions not discharged</i>	December 2014	Permission granted by WCC in 2014; 2 further permissions to extend time and regularise. Deadline of 31 January 2017 for completing work and restoration. Lakes complete but issues of car park, landscaping and aftercare to be resolved. In addition some works in preparation for potential future development carried out, unconnected to lakes. Application to resolve conditions submitted and under consideration. Application for bund also submitted.	Await outcome of applications.
Field Brook Farm, Spon Lane, Grendon, CV9 2EX  <i>Importation of inert waste to create balancing pond</i>	July 2015	Letters and meeting late 2015 early 2016. Advice from Flood Risk Management sought. Planning Contravention Notices issued and replies received. Enforcement Notice issued 3rd January 2017.	No appeal submitted; Notice compliance date is 27th November 2017.
Land at Tamworth Road, Cliff, B78 2DL  <i>Mud on highway and hours of work (breach of conditions)</i>	November 2015	Breach of Condition Notice issued 4 August with compliance due from 4 September onwards. Ongoing monitoring (both formal and informal) has not shown any further breaches. Development nearing completion	Continue to undertake regular visits.

## NUNEATON & BEDWORTH

<b>Address</b>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Newdigate Colliery, Astley Lane, Bedworth, CV12 0LP  <i>Restoration of site incomplete</i>	Not reported; officer observation	Enforcement Notice issued 2007. Most of site completed, but small area remains. Site meeting with Arbury Estates January 2017. Proposed schedule of works sent and timescales to be provided.	Continue to work to completion of restoration in compliance with the Notice.
Hammond Skip Hire, Colliery Lane, CV7 9NW (Site 2 and 3)  <i>Use of site as waste transfer/storage site</i>	April 2015	Certificate of Lawful Use for Site 3 has been approved. Further planning application to be submitted for Site 2. This is expected March/April.	Application to be submitted.

## RUGBY

<b>Address</b>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
The Fisheries Watling Street (A5) Clifton on Dunsmore, CV23 0AJ  <i>The importation deposit and processing of inert waste</i>	2010	Enforcement notices served and prosecutions undertaken. Planning permission granted to resolve and allow continued use for the storage and processing of inert waste materials. Significant progress now made to complete site in accordance with planning permission.	Continue to visit site and compliance with conditions.
Clifton Lakes Fisheries, Watling Street (A5) Clifton upon Dunsmore, CV23 0AQ  <i>Importation and deposit of inert materials (soil and demolition waste).</i>	Re-opened 2014	Enforcement notices served, appeals dismissed. Permanent injunction imposed in 2005 requiring the cessation of all importation. Resumption of importation in 2014 led to court date May 2015 ; landowner found guilty of breach of the injunction and was fined, a suspended prison sentence was imposed and ordered to pay costs	Rugby Borough Council taking further action on this site with support from WCC officers as required. Site visit to take place April 2017 to determine whether waste removed.
Long Acre Yard, Hinckley Road, Wolvey, LE10 3HQ  <i>Use for vehicle breaking</i>	November 2014	Some use lawful. Visit with RBC. S330 served and replies received. Further site visits. Enforcement Notice issued January 2017.	No appeal submitted. Compliance with Notice due 27th August 2017 to remove vehicles and 27th September to remove waste.

Foxley Farm, Southam Road, Kites Hardwick, CV23 8AA  <i>Waste importation and land raising</i>	March 2015	Informal visits & letter. PCN issued and reply received. Amount of material increased despite assurances it would be removed. Enforcement Notice issued January 2017. Applications to regularise may be submitted.	No appeal submitted. Compliance due 24th November 2017.
Moonhill Barn, London Road, Stretton-on- Dunsmore, CV23 9HY  <i>Waste transfer station</i>	May 2016	Operator has site in Warwick and has relocated some activities to resolve issues at Warwick site. Use did not cease in line with timescales given. Enforcement Notice issued January 2017.	Appeal against Notice submitted. Following appeal timetable.
Holywell House, Watling Street, Shawell, Lutterworth, LE17 6AR  <i>Importation of inert waste material</i>	June 2016	Site visit with operator and owner. Application to regularise submitted. Working with Historic England as part of site is Scheduled Ancient Monument	Await outcome of application. Ongoing discussions with consultees and applicant regarding issues raised.
Cwik Skip, 44, Arches Lane, Rugby, CV21 1BG  <i>Generators not removed as required by condition.</i>	August 2016	Site meeting held with operator and agent. Issues with implementation due to prohibitive cost of connecting to grid. Application submitted to vary condition to allow generators to stay in situ for a further temporary period	Await determination of application RBC/17CM005
30 Acre Field near Withybrook Grange, Featherbed Lane, Withybrook, CV7 9LY  <i>Importation of waste</i>	October 2016	Land subject to previous enforcement notice. Land owner has sold land. Contacted new owner. No response. Activity appears to have ceased.	Monitor for further activity. If no further activity case will be closed.
Cawston Grange Primary School, Scholars Drive, Cawston, Rugby, CV22 7GU  <i>Landscaping not completed as per plan</i>	April 2017	Site visit and meeting with Head and contractor. Landscaping will be completed as per plan in before the end of May 2017	Further visit to take place.

STRATFORD

<b>Address</b>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
Canalside Yard, Brickyard Road, Napton, CV47 8NT  <i>Breach of conditions: mud on highway, dust, hours of use, external processing of waste</i>	2010	S330 notices issues and replied to. Meetings with MP held. Breach of Condition Notices issued August 2016. Working closely with EA who have also taken enforcement action. Interviews under caution following failure to comply with Notices. Operator has left the site.	Prosecution being pursued against previous tenant. Seeking meeting with landowner to establish proposed next steps to remove waste.
Land off Kings Lane, Snitterfield  <i>Deposit of waste</i>	December 2012	Enforcement Notice issued but no compliance. Paperwork for prosecution prepared but land ownership changed. Due to issues with original Notice a further Notice was issued August 2016	Compliance with Notice due end of May 2017; site visit to take place
Welford Boat Station, Welford on Avon, CV37 8PP  <i>Importation and storage of waste</i>	March 2016	Joint visit with Environment Agency. Landowner contacted. Planning Contravention Notice served but no response received. Enforcement Notice issued August 2016	Compliance with Notice due June 2017. Further visits to take place after that date

WARWICK

<b>Address</b>	<b>Date reported</b>	<b>Action to date</b>	<b>Proposed Next Steps</b>
2 - 8 Lock Lane, Warwick, CV34 5AG  <i>Materials recycling facility</i>	May 2014	Planning application approved subject to conditions (ref WDC/15CM002). Conditions being discharged. Application to extend time to provide building approved by Regulatory Committee April 2017 (ref WDC/16CM019)	Monitor for compliance. This site is connected to Moonhill Barn (above).
New House Farm, Banbury Road, Bishops Tachbrook, Leamington Spa, CV33 9QL  <i>Importation of inert waste</i>	March 2015	Enforcement Notice issued in 2001 regarding similar issue. Majority of waste/storage removed. Raised area of inert type waste left on site. Application submitted to retain some of this with hard surface for agricultural use.	Application WDC/17CM007 submitted

### **3.0 Recently Resolved Cases**

Hillcrest Farm, Flecknoe, CV23 8AF – biomass boiler considered ancillary to forestry business so permission not required

Mega Autos, Pool Road, Nuneaton, CV10 9AE – land cleared of vehicles and steps taken to comply with condition relating to outside storage

Land adjacent to Unit 2, Pool Road, Nuneaton, CV10 9AE – land cleared of waste

Crown Waste (next to Martin Robey), Pool Road, Nuneaton, CV10 9AE – no breach of conditions seen and Environmental Health provided no feedback re: dust following visit.

Land rear of Unit 4 Pool Road, Nuneaton, CV10 9AE – No waste activity taking place and Nuneaton and Bedworth Council in correspondence with operator regarding fence

The Paddocks, Stretton Road, CV23 9NS – skips and associated waste removed from the land

Greenway Farm, Rugby Road, Pailton, CV23 0QH – waste arising from construction works removed

M.A.C Construction, Griff Clara Industrial Estate, Nuneaton, CV10 7PP – no mud on the highway. Some dry mud/dust on the Estate as a whole but no evidence that MAC Contracting responsible. County Highways informed of outcome.

Paddox Primary School, Fareham Avenue, Rugby, CV22 5HS – lining scheme submitted, approved and implemented in compliance with condition

Rear of 2 – 8 Lock Lane, Warwick, CV34 5AG – waste removed from land

Snitterfield Primary School, School Road, Snitterfield, CV37 0JL – car park improvements are permitted development not requiring planning permission

Lower Fox Farm, Bascote Heath, CV47 2DN – skips removed from land

Dry Hill Quarry, Edgehill, OX15 6DJ – legal advice unable to enforce restoration/landscaping

Land at Brinklow Road, Ansty, CV7 9JL – works in connection with land slip at railway embankment and do not require planning permission

Park Hill Junior School, Parkfield Drive, Kenilworth, CV8 2JJ – application to retain fence and MUGA approved by Regulatory Committee April 2017

Oakfield Primary Academy, Oakfield Road, Rugby, CV22 6AU – solar panels meet the criteria of permitted development

## **4.0 Monitoring Visits**

### **4.1 Sites visited once per year**

- Cross Hands Quarry, Near Little Compton, Moreton In Marsh
- Lodge Farm & Parkfield Road Quarry, Rugby Cement Works Lawford Road Rugby

### **4.2 Sites visited twice per year**

- Bishops Bowl Lakes, Bishops Ichington, Southam
- Brinklow Quarry, Highwood Farm, Coventry Road, Brinklow
- Bubbenhall Quarry, Weston Lane, Bubbenhall
- Bubbenhall Landfill, Weston Lane, Bubbenhall
- Coleshill Quarry, Gorse Lane, Coleshill
- Dunton Landfill, Lichfield Road, Dunton
- Griff No. 4, Gipsy Lane, Nuneaton
- High Cross Quarry, Copston Lane, High Cross
- Judkins Landfill, Tuttle Hill, Nuneaton
- Kingsbury Brickworks Landfill, Rush Lane, Dosthill
- Kingsbury Brickworks Quarry, Rush Lane, Dosthill
- Ling Hall Landfill, Coalpit Lane, Lawford Heath
- Mancetter Quarry, Quarry Lane, Mancetter
- Marsh Farm Quarry, Dunnington, Salford Priors
- Middleton Hall Quarry, Bodymoor Heath Lane, Middleton,
- Packington Landfill, Packington Lane, Little Packington
- Southam Quarry, Southam Works, Long Itchington
- Ufton Landfill, Southam Road, Ufton
- Wolston Fields, Wolston Lane, Ryton-On-Dunsmore

### **4.3 Sites visited quarterly**

- Marston Fields Farm, Kingsbury Road, Marston
- Land off Tamworth Road, Cliff
- Jeas & Boons (Hartshill) Quarry, Nuneaton Road, Hartshill

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