
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	23 rd August 2005	CATEGORY: DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN
MEMBERS' CONTACT POINT:	R. M. Shirley Ext: 5750	DOC:
SUBJECT:	Non Compliance with Condition 4 of Planning Permission 9/2000/1179/F relating to works at Newhall United Football Club, St Johns Drive, Newhall	REF:
WARD(S) AFFECTED:	Newhall and Stanton	TERMS OF REFERENCE DC01

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendations

2.1 That the Development control Committee authorises the issue of an Enforcement Notice to secure compliance with Condition 4 of Planning Permission 9/2000/1179/F, the compliance period being 56 days from the date the Notice takes effect.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not applicable

5.0 Detail

5.1 On 10th May 2001, permission was given under application reference 9/2000/1179/F for the enlargement of the football pitch involving the altering of levels together with the relocation of dugouts and safety fencing, alterations to the covered seating and the provision of additional car parking at Newhall United Football Club, St Johns Drive, Newhall.

- 5.2 With a view to ensuring the stability and safeguard the appearance of the development, Condition 4 of the grant of permission stated that: 'The development shall incorporate any measures necessary for ground stability and the details of any retaining structures required to ensure stability shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.'
- 5.3 In late May 2004 a complaint was received via the Council's then Building Control Manager that excavation works had commenced without complying with the above Condition. This was verified and the Club advised of the situation by letter on 9th June 2004.
- 5.4 A scheme of seeding the steep gradient that would be produced by the implementation of the permitted works was submitted, but viewed as insufficient to address the problem and the works to the site carried out thus far attracted complaint that they were allegedly causing instability problems that were affecting the gardens serving adjoining properties.
- 5.5 A plan indicating a proposed scheme was submitted on 31st October 2004 but this was unendorsed by an accredited structural engineer and remained as such, notwithstanding the submission of further information by an undergraduate civil engineer on behalf of the club. However, the information supplied by the Club, when aggregated, was viewed as sufficient to substantially discharge the Condition subject to an annual monitoring exercise and the Club was advised as such in January 2005, attention being drawn to the need to action the measures forthwith.
- 5.6 The work was, allegedly, due to commence in mid-May 2005 but information was received that, primarily owing to financial considerations, it was proposed to substitute consolidated soil for the graded stone shown in the originally submitted scheme. Whilst the Club has confirmed that its contractor is satisfied with the amended scheme, it remains unendorsed by a qualified civil engineer and there are concerns that it may be inadequate for the purpose.
- 5.7 The Club was advised of the situation on 22nd July 2005 but a recent inspection revealed that the works had been carried out, apparently in line with the amended scheme.
- 5.8 A plan of the site is attached at Appendix 'A'.

6.0 Financial Implications

- 6.1 None at present.

7.0 Corporate Implications

- 7.1 None at present.

8.0 Community Implications

- 8.1 None

9.0 Conclusions

- 9.1 Despite the Club being given every opportunity, no scheme that has been professionally endorsed has been received to discharge the Condition and in default of such a fully endorsed scheme, the Council cannot be confident that the appearance of the retaining structure will be assured.
- 9.2 Should the Club be in a position to provide professional endorsement for the modified scheme employing consolidated soil, it may be viewed it as acceptable and thus discharge the Condition.
- 9.3 However, in default of such provision there is a clear breach of the Condition and it is accordingly, open to the Committee to authorise the issue of an Enforcement Notice to require full compliance within a reasonable period of time.

10.0 Background Papers

- 10.1 Enforcement File E/2004/127

