

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 June 2014

Report abbreviations

BCN	Breach of Condition Notice	PD	Permitted Development
DN	Discontinuance Notice	PP	Planning Permission
EN	Enforcement Notice	S215N	Section 215 Notice, (to remedy untidy land / buildings)
ESP	Enforced Sale Procedure	S330	Notice under Section 330 of the Act requiring details of interest in land
NFA	No Further Action	TPO	Tree Preservation Order
PCN	Planning Contravention Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	24-30 Walkley Bank Road	Unauthorised use of car park to flats for parking / storage of commercial removals vehicles.	11/03/14	Monitoring shows breach stopped. 14/03/14 – Confirmed that unauthorised use ceased under threat of enforcement action. NFA required for now. Site will be monitored for a while.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
2.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/14	Application submitted for change of use & flue, ref:14/02077/FUL. Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm.
3.	Land to Rear of 33 & 35 Nottingham Cliff	Erection of a building for use as a dwelling	28/01/14	Retrospective application 13/03341/FUL refused 3/12/13 & appeal dismissed 22/5/14. EN served 3/6/14, requires demolition of building by 20/11/14.
4.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	24/03/14-Works underway & progressing. S215N served 4/10/13. Took effect 1/11/13, requiring renovation work including making building weather proof. Compliance required by 21/2/14.
5.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	Appeal against EN dismissed 2/4/14, new compliance period 23/07/14. EN issued 19/10/13, which takes effect 23/10/13 and requires removal of conservatory by 12/2/14.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
6.	Vetsry Hall, Crookesmoor Road	Listed building in poor state of repair.	20/5/13 (delegated)	<p>Direct action taken to replace roof by Council and costs being recovered. Notice now complied with at 01/07/14..</p> <p>Roof tile replacement is last outstanding issue to complete at Jan '14. S215N served 24/5/13. Came into effect 21/6/13 & requires roof repairs, boarding of windows/paint black & general making good, weather tight etc. Compliance by 2/8/13. Notice appealed but not heard by Magistrates as it was out of time. Notice not complied with so Council contractor appointed to carry out works following tender process. Owner began work at 11th hour but costs have been incurred by Council due to tender process so that money will be recovered in any event.</p>
7.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	<p>Work started to remove building as application approved to relocate building to within garden area, ref. 14/00621/FUL. Written assurance given that building will be moved on the outcome (either way) of this application. Costs and materials can be saved by moving and re-constructing in one job. EN served 15/2/13 & appeal dismissed 5/9/13,</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Mowsom Hollow continued from p3			removal of building required by 5/3/14. Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.
8.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p>July 2014 – Conditions in breach identified, contacting owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP.</p> <p>(1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop & HMO has PP</p> <hr/> <p>(2) 11/03370/FUL now granted 3/1/12,</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Pitsmoor Rd continued from p4			implementation will superseded the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370/FUL for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.
9.	Youth Club Building, Burgoyne Road,	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/1/11	15/7/14 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation & prosecution to be considered.
10.	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	New application 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set , of the same period given in the EN to cease the use at Parker's Yard due to the lack of an alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of cttee if approved by members. At January 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p5			<p>unsigned due to difficulties on the sellers part. The business is overcoming problems with their bank & with the vendor for the site due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this.</p> <p>18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 6wks=approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation - the legal process begun & discharge planning conditions also taking place now. Initial estimate is mid Dec'11 for work on site to begin at Pearson Forge. Alternative site that would be suitable for relocation of business identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11;</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p6			new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed.
11.	Dial House Club, Far Lane / Ben Lane	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.	15/12/09 (delegated authority)	15/07/14, Applications under consideration. Discharge of Conditions applications, 13/00599/COND & 13/00606 under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.

This page is intentionally left blank