

COMMITTEE **PLANNING**

DATE **10 July 2012**

SUBJECT **Enforcement Live Case**

REPORT OF **Leigh Palmer Development Manager within Planning Department**

Ward(s) ALL

Purpose To inform and update Members of the current position in respect the live cases being processed by the Enforcement Section of the Planning Department

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Recommendation That Planning Committee note the content of the report

1 Background

- 1.1 At Planning Committee in April 2012 Members discussed the quarterly performance of the Enforcement Department of the Council. It became evident that the list of live cases (as reported) may not have been a full and comprehensive list.
- 1.2 Officers were requested to analyse the records within the Enforcement Service and report back to Planning Committee with a complete list.

2 Comprehensive List

- 2.1 Officers have analysed their records and have concluded/determined that that the cases as listed below are live cases and were missing from the previous reported list.
- 2.2 Members will note that the addresses referred to are now contained within the list as reported as an appendix to this report.

[ENF/2009/0222 - 45-47 Green Street - Extraction units being fitted](#)

[ENF/2009/0319 - 45-47 Green Street - 3m high wall fencing erected at rear](#)

[ENF/2009/0137 - 5-10 Grand Parade \(Claremont Hotel\) - unauthorised window replacements to Listed Bldg](#)

[ENF/2008/0023 - Mansion \(Lions\) Hotel, 32-35 Grand Parade - UPVC windows installed in Burlington Place elevation](#)

3 Commentary of Cases Added to List

- 3.1 Members will acknowledge that these complaint references have some age and are an indication that some enforcement cases take some time to resolve.
- 3.2 In relation to the 45 -47 Green Street the applicant submitted retrospective applications in an attempt to regularise the situation. These were not supported and enforcement notices were served. The Planning Enforcement Officer has prepared and submitted the necessary witness statements and the matter is with the Councils Legal Department for prosecution for non compliance with the enforcement notices.
- 3.3 In relation to Mansion Lions Hotel the applicant has exhausted the planning process; planning application refused appeal dismissed. Officers have submitted the necessary witness statements to the Councils Legal Department. At the request of the Legal Department Planning Officers have met with the owner in order to agree the extent of the works required and the time frame for compliance. The applicant contends that the works required are excessive and too costly to deliver. The matter is now with the Councils Legal Department to prosecute for non compliance.
- 3.4 In relation to 5 -10 Grand Parade (Claremont Hotel). The necessary papers are with the Councils Legal Department in order to secure the service of the appropriate Notices. On the advice of the Council's legal department this matter is on hold pending resolution of the discussions on The Mansion Lions Hotel issue as reported above.

4. Human Resources

- 4.1 There are no financial-resource implications for Planning Enforcement Service as the current levels of complaints can be delivered within the existing staffing establishment.

5 Legal

- 5.1 The Planning Enforcement Services relies heavily on the Councils Regulation Lawyer for legal advice and the preparation of the appropriate and necessary notices.

6 Environmental/Community Safety/Human Rights/Anti Poverty

- 6.1 There are no adverse impacts on these implications as a direct result of this report.

7 Conclusions

- 7.1 That Members agree to note the content of this report.

Background Papers:

Enforcement database

Leigh Palmer
Development Manager
