

REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 JANUARY 2014

ENFORCEMENT REPORT

FAILURE TO COMPLY WITH A BREACH OF CONDITION NOTICE AT 201 CHIPPINGHOUSE ROAD, SHEFFIELD, S7.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Committee Members of the non-compliance of a Breach of Condition Notice and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 Planning permission was granted on the 10 June 2011, reference number 11/00667/FUL, for the replacement of windows to the front of the dwellinghouse. The grant of planning permission was subject to the following condition.

Condition 2 - The development hereby permitted shall be carried out in its entirety in complete accordance with submitted details, drawings and photographs received on 22nd March 2011, 7th April 2011 and 3rd June 2011. In order to define the permission.

- 2.2 An officer noticed that the ground floor bay window had not been constructed as to the approved plans. The application that was granted did not have any subdivisions and permission that was granted was for a 1/1 which was a style of window that was originally integral to the design of these buildings when they were first built. The bay windows in this type of house would never have had this many subdivisions in them and therefore the appearance that has been created is out of character in this area.
- 2.3 Authority was given by the South Team Area Manager under delegated powers on 3 May 2013 to serve a Breach of Condition Notice in respect of Condition 2. A Breach of Condition Notice was served on the 5 June 2013, requiring the unauthorised glazing bars to be removed on the ground floor bay window and replace them with single glass pane as approved, within 56 days beginning the day the notice was served.

- 2.4 There is a six-month time period that runs from the time when the offence was committed to when information must be submitted to the Courts for prosecution. To date no work has been carried out to comply with the requirements of the Notice. Given the length of time that has lapsed since the non-compliance of the Notice. It is now considered appropriate for this matter to be reported for prosecution.
- 2.5 The photographs below show the property and unauthorised glazing bars which are out of character to this style of house.



3 REPRESENTATIONS

- 3.1 None

4 ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 It is an offence to contravene the requirements of a Breach of Condition Notice served under 187A of The Town and Country planning Act 1990. A person found guilty of an offence through the magistrate's court shall be liable of a fine of up to £1,000 for the first offence and subsequent offence.
- 4.2 The owner and the applicant have failed to comply with the Notice. An offence has been committed and legal action is seen as the best option for ensuring full compliance with the condition of the planning approval.

5.0 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

- 5.1 There are no financial or equal opportunity implications arising from the recommendations contained in this report.

6.0 RECOMMENDATIONS

- 6.1 That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps including the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval.
- 6.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

M Duffy
Interim Head of Planning

17 January 2014

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