



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 22 April 2014

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**Subject:** Enforcement Report

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**Author of Report:** Deborah Parkinson

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**Summary:** Progress report on enforcement actions authorised by committee, or under delegated powers in the South Area.

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### Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in the South Area.

### Recommendations:

That members note the current progress on actions

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### Background Papers:

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**Category of Report:** OPEN



**UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 31<sup>st</sup> December 2013.**

**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
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	TSN	Temporary Stop Notice

**ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT**

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
1.	Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH	Erection of an Unauthorised wall	11/03/2014	<b>03.04.2014 – Paperwork with legal services to serve an Enforcement Notice</b>
2.	Meersbrook Garage, 1-7 Meersbrook Road	Unauthorised Alterations to Car showroom.	18/02/2014	<b>01/04/2014 – Works is already underway to comply with the requirements of the Enforcement Notice. Site being monitored. 19/02/2014 – The most</b>

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				recent planning application was refused at Planning Committee. The owner has decided that he is not submitting any further applications and will comply with the enforcement notice.
3.	24 Ashgate Road, S10 3BZ	Unauthorised UPVC windows	04/02/2013	<b>9/1/2014 – EN served with 16 week compliance period.</b> 11/09/2013 – Appeal dismissed, EN will now be served. 06/03/2013 Appeal lodged & on-going, Inspectorate has written to the appellant requesting further information. 04/02/2013 Application refused with enforcement action authorised.
4.	227-229 Abbeydale Road, S7	Unauthorised Signs	04/02/2013	<b>20.03.2014 – Both signs removed..</b> 14.01/14 Paperwork still with litigation. 1/10/2013 – Paperwork with litigation. 04/02/2013 – Authority given to serve notices.
5.	22 Barber Place, S10 1EG	Breach of Conditions and approved plan	12/03/2013	<b>11/2/14 Site visit confirmed that all work to front facing Dormer window, relating to Enforcement Notice has now been complied with. NFA 15/01/2014</b> Still within compliance period (until 31/1/2014) 29/10/2013 – Appeal Allowed,

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				but with 3 months condition. Site to be monitored for compliance.20/05/2013 – Appeal received.29/04/2013 – Enforcement Notice Served
6.	153 Twentywell Lane, S17 4QA	Unauthorised Fencing erected	29/04/2013	<b>07/04/2014 – Still within the compliance period (30/4/14).</b> 4/12/2013 – EN served, 16 week compliance period.1/10/2013 - Authority obtained to serve Enforcement Notice (29/04/2013) however, negotiations are taking place with the owner to agree an alternative scheme.
7.	23 Briar Road, Sheffield S7 1SA	Unauthorised UPVC windows in Article 4 area	19/07/2013	<b>7/04/14 – Windows replaced on site, Need to be inspected.</b> 14/01/2014- Still within compliance period (until 26th February 2014) 10/01/2014 – Still within compliance period. 22/07/2013 – Enforcement Notice served, time for compliance 21/01/2014.
8.	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	<b>7/04/14 – Appeal in progress.</b> 14/01/2014- awaiting outcome of appeal before prosecution 1/10/2013 – Notice being prepared.
9.	759 – 761 Abbeydale Road S7 2BG	Unauthorised smoking shelter	11/09/13	<b>07/04/14 – Some details have been submitted but the application is still invalid.</b> 06/11/13 - Planning application

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				(13/03424/FUL) has been submitted for the Council's consideration.
10.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/13	<b>07/04/14 – EN has been served 02/04/14 compliance period 6 months.</b> 14/01/14 – EN being drafted and will be served shortly.
11.	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7	23/07/13	<b>07/04/14 – A planning application has been submitted to for alterations to the property – Monitor, enforced sale by PSH still to take place.</b> 14/01/14 – Private Sector Housing (PSH) are pursuing Enforced Sale Procedure (ESP) and advice given from legal is to wait until the ESP has been effective in which case the same outcome would have been achieved. If ESP fails or until the next transgression

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				then to proceed with Injunction. 14/11/13 – EN in relation to the unauthorised fence has been served came into effect 15/10/13 with a compliance period of 2 months. TSN has been served and has been complied with. The injunction relating to the excavation works is with Counsel for drafting of proceedings for issue. Further evidence is required before Counsel is ready to take injunction to Court. Evidence is being provided.
12.	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building and land as a builder's compound /gardeners store.	21/05/2013	<b>07/04/2014 – Awaiting court date.</b> 08/01/2014 – BCN not complied with, witness statement being prepared. 08/10/2013 – BCN served on Pullan Developments Ltd requesting the removal of the former care takers dwelling and the compliance with condition 3 relating to Sustainable development. 21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former caretakers house as a builders compound/ gardener store.
13.	201 Chippinghouse	Breach of condition 2 –	03/05/13	<b>07/04/14 – prosecution on the 20/03/14</b>

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	Road,S7 1DQ	development not carried out as to the approved plans		<b>£200 fine, £100 Costs and £ 20 Victim Surcharge</b> 14/01/14 – Notice has not been complied with. The matter is being reported to Committee with a request for authority to pursue a prosecution. 09/07/13 – BCN has been served on 5/06/13 – 56 days compliance period
14.	6 Rosamond Place	Breach of Condition 2 – Landscaping.  Breach of Condition 1 – Completion of Development	20/02/13	<b>07/04/2014 – Awaiting a court date for the 2<sup>nd</sup> prosecution.</b> 06/01/2014 – Work re-commenced on site, so being monitored to ensure that this continues. 31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development not completed therefore prosecution papers being prepared for 2 <sup>nd</sup> breach of control. 16/10/2013 – Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge. 10/07/2013 – A further breach of Condition Notice is being prepared to ensure compliance with the condition that requires the development to be completed within its entirety, 6 months from the date of approval. No landscaping



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				<p>details received therefore meeting with legal to discuss possible prosecution            15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.</p>
15.	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<p><b>07/04/2014 – No progress on this as other cases have taken priority.</b>07/04/2014            15/01/2014 – Reminder letters being sent.            31/10/13 No recent progress as waiting for legal advice with regard to ownership of property.            10/07/2013 – Case meeting with legal to discuss further action. Site to be monitored.            16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will lead to the matter being passed on to litigation for a prosecution.            15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works</p>

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				should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.
16.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<b>20/03/2014 – Case was due to be heard in court but appellant wanted legal counsel so the case was adjourned until 1<sup>st</sup> May 2014.</b> 31.12.2013 – Awaiting court date. 31/10/2013 – Paperwork with Litigation for prosecution. 10/7/2013 – Notice being prepared.16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
17.	8 Chandos Street, Broomhill, S10 2PP	Unauthorised removal of chimney stack	25/02/13	<b>07/04/14 – The chimney stack has been replaced – NFA</b> 14/01/14 – Prosecution file being prepared. 05/11/13 – EN has not been complied with a reminder letter has been sent. 09/07/13 – EN has been served 12 weeks compliance period. 15/04/13 – EN has been drafted and is with Legal and Admin.

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18.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	<b>07/04/14 – Planning application has been granted for an alternative proposal time period to be agreed before work is carried out.</b> 14/01/14 – EN has not been complied with but application for timber windows just received. 05/11/13 – EN has been served 6 Month compliance period. Expires on 03/12/13. 15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.
19.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	<b>07/04/14 – 1<sup>st</sup> floor windows have been replaced as agreed. A further 6 month agreed before the ground floor windows and door is replaced.</b> 14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.
18	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<b>07/04/2014 – No action on this other cases have taken priority.</b> 15/01/2014 –

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				<p>Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks 11/7/2013 – Notices expected to be served by mid-August. 16/04/2013 Other work taken priority, so not progressed. 12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.</p>
19	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development	20/12/2010	<p><b>07/04/14 – Monies received therefore NFA.</b> 10/01/2014 – Awaiting court date. 06/11/2013 – Ownership details updated, still awaiting court date. 10/07/2013 – Still</p>

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		is complete with most of the units occupied		waiting for a court date.16/04/2013 – Awaiting a court date.12/02/13 – File with litigation, awaiting a court date. 14/11/12 – A new updated case file has been passed to litigation.03/07/2012 – Awaiting Court date.19/01/12 – Prosecution file now with litigation. 24/10/11 – Following a number of failed agreements with owners, final warning now given with a view to prosecution. 11/07/11 – Central Debt Recovery Team securing payment agreement 22/03/11 - Developers in process of agreeing payment plan. 26/01/11 Developer Midcity Estates Ltd. Central debt recovery team doing final chasing of money. Prosecution file otherwise ready.
20	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<b>07/04/2014 – No action on this other cases have taken priority.</b> 15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks & service expected within next 2 weeks.11/07/2013 – No recent progress, expect to serve

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				<p>Notices by 01/09/2013. 15/04/2013 – No work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February 25/07/2012 DN to be served within next 14 days. 18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>

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21	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p><b>07/04/2014 – About to undertake a new round of Evidence gathering with a view to preparing a new prosecution file.</b></p> <p>14/01/14 – Awaiting litigation advice.</p> <p>06/11/2013 – Case meetings arranged with litigation with regard to extending the joint strategy with licensing. 12/07/2013 – New evidence gathering needed towards service of new BCN. 16/04/13 – Site being monitored to gain new evidence of further breaches of planning control. 14/11/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN.</p>
22	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	<p><b>7/4/2014 – Awaiting outcome of latest prosecution.</b> 14.01.2014 – Ongoing prosecution with licensing. Court date expected before April. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/06 – Case in court, owner pleaded guilty &amp; was fined £260. 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution waiting court date 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN &amp; BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – BCN &amp; TSN served. Regular monitoring taking place with a view to prosecution for any further breaches.</p>



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23	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<p><b>13/03/14 – Owner prosecuted (3<sup>rd</sup> such prosecution since July 2011) &amp; found guilty &amp; fined £125 for each of two offences prosecuted (total inc costs = £425 to be paid in instalments of £20 per week).</b> 01.2014 – Owners are currently applying for an Eviction Notice against the occupying tenant, citing the continued breach of planning and licensing controls as their reason. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/2013 – Case in Court, owner pleaded guilty &amp; fined £260. 16/04/2013–Awaiting a court date for licensing prosecution. 13/01/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date. 17/2/12 –Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to</p>

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				<p>prosecution.10/10/11 – Enforcement Notice issued. Takes effect 14/11/11&amp; requires compliance with planning permission by 14<sup>th</sup> December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August.</p> <p>22/3/11.Decided that new EN's to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against refusal of PP to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN &amp; BCN. Prosecution file being prepared in conjunction with Licensing</p>
24	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p><b>28/03/2014 – Correspondence received from solicitors trying to address the ownership issues of the site.</b> 10/01/2014 – Ongoing discussions with litigation &amp; owners agents.05/11/2013 – Discussions</p>

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				<p>taking place with litigation, legal position being evaluated. 11/07/2013 – No recent progress, however meeting arranged for mid-August with litigation. 16/04/2013 – In the process of setting up a case meeting with legal department. 12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at property &amp; the possible re-instigation of an historic EN. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners' architects. 20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation &amp; other legal teams by mid- Feb 2012.</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>

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25	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p><b>07/04/2014 – New Witness statements being prepared, aim to get all paperwork to Legal 1/5/2014.</b> 16/12/2013 – Ongoing awaiting court date. 5/11/2013 – Witness statement with litigation for non-compliance with EN for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement Notice. 11/07/2013 – Discussed with legal services, prosecution to proceed, paperwork being prepared. 16/04/2013 – Awaiting new applications, lighting columns still in place. 12/02/13 – Discussions taking place with owners regarding replacement lighting to car park &amp; installation of a new extraction system. Site being monitored for compliance with notice Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed &amp; the owner now has 16 weeks to remove unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted. 8/6/2012 Appeal received in connection with the lighting columns. 18/04/2012 –</p>

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
				Listed Building Notice & EN served on all parties with an interest.

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