

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 September 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.	110 Bolsover Road	Unauthorised external wall insulation added to front elevation of house in breach of Permitted Development Condition regarding materials	11/12/14	Jan 2015, Seeking legal advice about construction of BCN

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2.	281 Springvale Road	Unauthorised Fence of over 1m in height erected adjacent to highway, which is out of keeping with area.	09/12/14	14/01/15 - Owner to be advised of enforcement authority in due course and course of action to be developed.
3.	523 Loxley Road	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	Dec '14 – Legal services instructed to prepare EN for removal of whole development. Retrospective application to retain balcony aspect only, refused 23/12/13 & subsequent appeal dismissed on 1/4/14.
4.	209 Stannington Road	Unauthorised Front Extension to House	09/12/14	EN being prepared by Legal Services.
5.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North	Unauthorised Excavation Works.	09/12/14	17/12/14 - Owner has committed to submit application with justification for the development by end of January.
6.	91-99 Coward Drive	Non-compliance with approved plans & conditions of PP 10/03955/FUL for erection of 5 houses. Fencing omitted,	30/9/14 (delegated)	08/01/15 - Awaiting service of BCN. Details sent to Legal Services 30/09/14 for service of BCN

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	Coward Drive continued from p 2	window details changed, soft landscaping not provided & trees felled.		
7.	Oak Lodge Farm, Thompson Hill	Unauthorised siting of 2 caravans and 4 metal containers	01/04/14	Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans and 4 containers within 6 months.
8.	Village News, 176-178 Main Street, Grenoside	Non-compliance with conditions PP13/02171/FUL, condition 3 - opening times, c6 – inventory of cooking equipment, c7 – no external plant.	28/03/14 (delegated)	<p>BCN served 28/3/14 requiring compliance with c.3, c6 & c7 within 28 days of service. Three planning applications have been submitted to alter the conditions being enforced, therefore BCN deemed to be complied with as information required is dealt with by the following applications.</p> <ul style="list-style-type: none"> - 14/02191/FUL – for an outdoor seating area. Decision pending at 14/01/15. - 14/01031/FUL — extend opening times to 8am to 6pm Monday to Friday, 8am to

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	Main Street continued from p.7			<p>5pm Sat.& increase cooking equipment to 2 microwave ovens, 1 griddle & 1 safety fat fryer. Granted Conditionally 6/1/15.</p> <p>- 14/-1042/FUL –PP granted 6/1/15 for reposition air handling plant & add sound attenuation measures. Outcome of those applications is awaited before any further action taken on BCN.</p>
9.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/14	<p>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.</p>
10.	2 Larch Grove	Unauthorised Fence	29/01/14	<p>17/11/14. Boundary fence has been reduced to height of 1.2m to 1.3m as the road rises. Height now deemed acceptable in planning terms & as such Notice is deemed complied with. NFA. EN served 18/02/14 requiring the removal</p>

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	Larch Grove continued from page 4			of the fence. The owner has reduced the height of the fence to PD height of 1m not requiring PP. It is believed it might be slightly over 1m. Officers to check.
11.	Aldi, 82 The Common	Non-compliance with conditions of PP 13/00498/FUL for erection of a food store, regarding (condition43) delivery of goods / times, (c25) carry out landscaping scheme, (c28) target emission reductions for store construction, (c31) environmental measures concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management	16/01/14 (delegated)	All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of currant planting season. BCN served 17/1/14 requiring details for specified conditions (see breach) within 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application ref. 14/00605/COND at 10/10/14.

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12.	Land to Rear of 33 & 35 Nottingham Cliff	Erection of a building for use as a dwelling	28/01/14	Compliance achieved. Work towards compliance with EN are well progressed. 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.
13.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	Works completed under phase 1 to remove most of the eyesore problems of the site. Phase 2 to begin next financial year in 2015 to restore structural integrity of the roof. 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.
14.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	17/12/14 – EN complied with. 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

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	Mowsom Hollow continued from page 6			and re-constructing in one job. EN served 15/2/13 & appeal dismissed 5/9/13, 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.
15.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	06/01/15 – Conditions in breach identified, contacting new 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. (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

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	Pitsmoor Rd continued from p 6			(2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.
16.	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	07/01/15 – Ongoing litigation case to pursue 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.
17.	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	07/01/15 – new app under consideration. 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

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	Parker's Yard continued from p8			<p>being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's 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. 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</p>

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	Parker's Yard continued from p8			13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; 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.
18.	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)	07/01/15, 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.
19.	Former Fire Station, Westwood New Road	PP for conversion to 6 Flats with S106 Contribution for Open Space, ref	14/03/05 (delegated decision)	PP was granted for building to be converted to five apartments. This resulted in a S106 requiring £2,610 to

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		03/04312/FUL		enhance open space in the locality. The building was converted but only four flats were formed. This number would not attract a S106 contribution. A new application for retrospective permission is to be submitted to regularise the position. Accordingly, Members are requested to confirm that this contribution can be written off.

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