

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA

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.	5 Carlisle Street East, S4	Breach of Condition relating to disable ramp regarding planning permission 11/01969/CHU.	07/05/2015	26/10/2015 – BCN has been served and an application 15/01844/NMA has been submitted to amend the original planning permission – pending consideration.
2.	1 Priory Road, S35	Non illuminated Fascia sign at front of building	28/06/20115	26/10/2015 – Prosecution statement has been done and file has been passed to

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3.	234 Barnsley Road, S4	Conversion of garage into a bedsit apartment		legal. 26/10/2015 – Site visit has been done and the garage is no longer being used as bedsit. - NFA
4.	51-53 Malinda Street, S3	Unauthorised part demolition of Listed Building	24/04/2015	26/10/2015 – The owner was prosecuted for unauthorised works to a listed building and was subsequently fined £2,300, costs £150 and Surcharge £230 TSN was also served which was complied with. The property has been sold and new owners are working with the Council to resolve the unacceptable works.
5.	Land at the junction of Bedford Street and Cross Bedford Street (Apts 1-19 The Hub), Sheffield, S6 3AT	Failure to comply with conditions 17, 18, 19 of PP 12/00204/FUL erection of a 6 storey development of 19 student apartments comprising 80 bedrooms.	09/11/2012	26/10/2015 – Discussions taking place between developer and Planning Officer to comply with Conditions. BCN served on 4 th July 2015.
6.	110 Bolsover Road, S5	Unauthorised external wall insulation added to front and rear walls of house in breach	11/12/2014	26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by

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		of the materials condition in the planning permission under PD.		next update – for failure to comply with BCN. BCN served 29/1/15.
7.	523 Loxley Road, S6	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/2014	26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15.
8.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/2014	26/10/2015 – 1st hearing on the 26/11/2015. EN not complied with, legal proceedings being prepared at 09/07/15. EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15.
9.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North, S35	Unauthorised Excavation Works.	09/12/2014	26/10/2015 – Planning application (15/03455/FUL) has been submitted. Pending consideration.
10.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal containers	01/04/2014	26/10/2015 – The residential caravan has been on site for over 4 years, no further action can be taken against it. Advice from legal is that 'The breach of

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				<p>planning control here is the unauthorised change of use of the land from agricultural to residential' Therefore we have 10 years to take enforcement action. Because of a lack of satisfactory evidence to show what structures/caravans or otherwise - have permanently been sited on the land throughout the last 10 years or more - makes it impractical to pursue this matter further. However, 3 unauthorised containers and a 2nd caravan has been removed from the land following the serving of the EN therefore it is recommended for NFA. July '15 - Meeting arranged between Officers from Legal and Planning to discuss last remaining issue of 'caravan A' with respect to all available evidence on that point. Other matters resolved. 16/1/15- The Council withdrew the EN & it's interest in the Public Inquiry due legal advice (from Council's Barrister). This is due to significant steps taken by the owner /appellant to remedy the issues</p>

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				<p>covered by the EN. Step included removal of Two containers (containers 1 & 3) & one of the caravans (caravan B). The decision is also due to the late submission of evidence on behalf of the appellant (a few days before the Inquiry) in relation to residential caravans (caravan B was already removed but A remains).</p> <p>29/1/15 – Noted by officers on site that container 3 removed from land & container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds).</p> <p>The only issue remaining is residential caravan A.</p> <p>21/4/15 - Legal advice being taken in relation to caravan A</p> <p>Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans & 4 containers.</p>

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11.	492 Barnsley Road, S5	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p>26/10/2015 – The flue has been relocated to an acceptable location. However, the use and the flue still need to be regularised. Reminder letter to be sent to validate the application.</p> <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>
12.	Aldi, 82 The Common, S35	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,	16/01/2014 (delegated)	<p>26/10/2015 – The matter to be reported for prosecution. Correspondence ongoing with Aldi management in July to resolve remaining landscape issue. Any further delay will result in Council starting legal proceedings. 20/4/15 – Landscaping not completed so owners contacted & told to finish. All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of current planting season.</p>

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		electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management		BCN served 17/1/14 requiring details for specified conditions (see breach) in 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application 14/00605/COND
13.	Lion Works, Handley Street, S4	Derelict listed building causing visual harm to both the area and the building itself.	04/10/2013 (delegated)	26/10/2015 - Phase 2 works started and are almost completed. 20/4/15. 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.	290-308 Pitsmoor Road, S3	(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	19/4/2011	26/10/2015 – Reminder letter to be sent if no response BCN to be served. Little progress due to other high priority work. Progress expected by next update. 06/01/15 – Conditions in breach identified,

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				<p>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 (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.</p>

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15.	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	25/01/2011	26/10/2015 – 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.
16.	Parker's Yard, Stannington Road, S6	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/06/2010	26/10/2015 – new application (14/02426/CHU) under consideration / decision pending. 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 lack of alternative plan from Carwood Commodities. Proposed that 16 wks be given from date of cttee if approved by Members. At Jan 2014, the lease is still being actively negotiated for the Pearson Forge Site, but

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				<p>it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank & with the vendor for the 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 Dec'11 for work to start at</p>

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				Pearson Forge. Alternative site that would be suitable for relocation identified & 11/01953/CHU granted 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.
17.	Dial House Club, Far Lane/Ben Lane, S6	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.	15/12/2009 (delegated authority)	26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. 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

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				with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10.