

## QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN CITY CENTRE & EAST AREA

### Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
TSN	Temporary Stop Notice		

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

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	Land Adjacent The Old Dairy 8, White Lane, Gleadless, S12 3GB	Unauthorised erection of summer house decking area and climbing frame and the unauthorised use of land for domestic curtilage	05/11/12	<b>13/11/12 – letter to be sent asking the owners to remove the unauthorised structures and stop the use of land for domestic curtilage.</b>

2.	64-68 Wicker, S3 8JD	Unauthorised erection of flues at rear of 64 and 66 Wicker, unauthorised erection of first floor rear extension and railings at 66 Wicker and the unauthorised erection of rear extension, steps, railings and the creation of an entrance door at the side of 68 wicker, and untidy appearance of the side elevation of 68 Wicker.	05/11/12	<b>06/11/12 – EN and S215 Notice being prepared and will be served shortly.</b>
3.	79-81 Wicker, S3 8HT	Breach of Condition (05/04516/FUL) – Condition 2 - fume extraction system, Condition 3 - scheme of sound attenuation, condition 4 – Validation test of sound attenuation.	1309/12	<b>06/11/12 – BCN served on 21/09/12 – compliance period 28 days from when notice was served. Condition 2 has been complied with. Conditions 3 and 4 have not been complied with. In discussions with architect in trying to resolve this issue.</b>
4.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	<b>29/10/12 – EN has been served and took effect on 26/10/12 and needs to be complied before 26/01/13.</b>
5.	361 Staniforth Road, S9 3FP	Breach of Condition (02/02562/CHU) Condition 2 – use of building within 7am and 7pm Condition 3 – cooking facilities and Condition 6 provide a receptacle for the disposal of litter.	30/01/12	<b>29/10/12 – A retrospective planning application (12/03059/FUL) has been received to retain the current use. Any further enforcement action is to be held in abeyance until the outcome of the decision.</b>
6.	Site Of Richardsons Cutlery Works, Alma Street and Cotton Street, S3 8SA	Unauthorised demolition of boundary wall	10/04/12	<b>29/10/12 – EN served and has been appealed against, awaiting Planning Inspector's decision.</b>

7.	44 Woolley Wood Road, S5 0UG	Unauthorised use of garden for the storage of scrap metal in connection with scrap metal business	10/04/12	<b>29/10/12 – Advice from Solicitor is that there is not enough evidence to prosecute at this time. Monitor site.</b>
8.	272 Glossop Road, S10 2HS	Unauthorised cooling fan at rear of property	20/12/11	<b>29/10/12 – Prosecution file has been prepared and is currently with litigation.</b> 02/07/12 – EN notice served on 10/02/12 and took effect on 16/03/12 – 2 month compliance period. EN not complied with.
9.	112-114 Barrow Road, S9 1LB	Breach of Condition (04/00219/FUL) 3-Obscure glazing, 4-Permitted Development Rights Removed, 5-Boundary Treatment, 6-Boundary Treatment, 7-Boundary Treatment and 10 Driveway	17/10/11	<b>29/10/12 – A hard standing has been created at the front of the property as required by planning condition – NFA.</b>
10.	Gibson Works, 2 Mary Street, S1 4RQ	Breach of Condition 15 – (04/02425/FUL and 08/02341/FUL ) Construction of footway adjacent to site	29/11/11	<b>06/11/12 – Pending consideration.</b> 02/07/12 – Application has been submitted to remove condition (12/00268/FUL and 12/00267/FUL). Any further enforcement action to be held in abeyance until outcome of planning decision. 13/01/12 – BCN served 03/01/12.
11.	Craggside Eckington Rd, Beighton	Non payment of planning obligation monies, £7,323. Planning application 07/01057/FUL. Development complete.	20/12/10	<b>Nov 12 – Case with litigation. They have written to the current owners to pursue payment before proceeding to prosecution.</b>
12.	Brunswick Gardens Village, Station Road, 260-262 Brunswick Gardens, S13 7SF	Unauthorised roof plant and trellis	26/10/11	<b>29/10/12 – The required works have been completed – NFA.</b>

13.	1 – 17 Elmview Road, Wincobank, Sheffield 9	Unauthorised use of land situated at Elmview Road for breaking motor vehicles, siting of shipping containers and used vehicle parts	07/02/2011	<b>6/11/12 – Land registry still shows same owners after meeting with litigation a final warning letter is being sent and then file will be prepared for prosecution.</b> 03/07/12 – Ownership checks being carried out on the property before prosecution. 05/04/12 – The property still appears not to be used however damaged vehicles still parked on property and industrial container has not been removed. Seeking further advice from litigation regarding prosecution. 13/01/12 – Property still appears not to be used – Monitor site. 12/10/11 – Site visited but all locked up. Further visit required to confirm non-compliance. 05/07/11 – Needs compliance before 15/07/11. 15/03/2011 Enforcement Notices issued taking effect on the 15/04/2011
14.	1 Lumley Street, S4 7ZJ	10/02698/FUL non compliance with conditions 2 – development in accordance with approved plan 3 Approved fence to be in place by 30 November 2010. 4 New access. 6 stopping up redundant access	07/02/2011	<b>29/10/12 – After several discussions with owner have failed a new BCN is being prepared and will be served shortly.</b>
15.	Land at Milton Street and Headford Street, S3	Non payment of planning obligation monies £170,580.00 secured in relation to 06/00370/FUL. The development has only reached excavation and basement level.	20/12/2010	<b>12/11/12 – New planning application approved (12/02577/FUL) and revised legal agreement – NFA</b>

16.	Land at 29 Garden Street, S1	Non payment of planning obligation monies £155,119.80 secured in relation to 07/01148/FUL. The development has only reached excavation.	20/12/2010	<b>12/11/12 – Discussions with new owner re-commenced. The approved scheme unlikely to proceed and will be replaced by a new permission.</b>
17.	Site of Hope Works, 17-39 Mowbray Street	Non payment of planning obligation monies £90,030.35 secured in relation to 05/04371/FUL. Development is complete and occupied	20/12/2010	<b>12/11/12 – Awaiting final view from litigation before a formal report is presented to planning committee on this case.</b>
18.	40 Woolley Wood Road, S5 0UH	Unauthorised Business Use – Using garden as storage and breaking of scrap metal and for the unauthorised use of highway between 36 and 46 for the open storage of scrap metal and the storage and parking of commercial vehicles and trailers.	15/02/10 and on 10/04/12	<b>06/11/12 – After discussions with the litigation solicitor it has been determined that we will not be able to enforce against the non compliance of the EN served on 13/04/12 relating to commercial vehicles parking in the highway, this is because it would be almost impossible for the Local Authority to prove that the land (highway) is in the control of the recipient of the EN. The planning service has done what we can and at this time can not take any further action regarding the parking of commercial vehicles on the highway. A multi agency approach to tackling the problem is being pursued.</b>

19.	484 Staniforth Road, S9 3FW	Unauthorised roof extension	25/01/2010	<p><b>29/10/12 – The owner has said that he cannot afford to carry out the works required in the notice a meeting has been arranged with owner to discuss a plan of action.</b> 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving two months to comply with EN or 2<sup>nd</sup> prosecution will begin. Work has not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11 – Fined £200 + 100 costs, reminder to be sent to comply with EN. 20/01/2011 Case was at Magistrates Court on 09/03/11, the hearing adjourned to 16/5/11 because owner was not present &amp; is out of the country until about April/May due to family bereavement. 15/09/2010 Site inspection – no work on site to comply with enforcement notice. 10/08/2010 Site meeting with Cllr. Iqbal. 22/06/2010 Planning inspectorate refused to accept appeal – non payment of fees. Notice taken effect and required to be complied within 3 months. 16/04/2010 Memo to legal services to issue enforcement notices. 19/03/10 Reminder letter and notice sent. 28/01/2010 Section 330 notice issued</p>
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20.	1A Senior Road, Darnall, S9 4PN	Unauthorised use of building for sale and fitting of vehicle tyre and sale and display of used cars	02/11/2009	<b>07/11/12 – The current use is a mix of authorised (B2) industry use and (sui generis) tyre fitting use. It is considered that the tyre use has similar characteristics as the industry type use. The unauthorised sales and display of cars on highway has stopped. If the noise issues re-occur then this can be dealt with under the environmental protection legislation and highway enforcement will continue to monitor the site for unauthorised works on the highway – NFA.</b>
21.	Former Club House Mosborough Miners Welfare Ground, Station Road, Mosborough, S20 5AD	06/04738/FUL - Breach of Condition 2,3,4,8,9,15,20 and 23	29/06/09 Authority for legal action 16/03/2009	<b>06/11/12 – Application pending consideration.</b> 05/07/11 – New application has been submitted (11/00865/FUL). 22/03/11 landscaping needs to be completed before end March 2011, Monitor site. 14/09/10 Planning permission (10/01260/FUL) has been granted for alterations to building. Monitor Site for compliance with landscaping condition. 30/06/10 – New application has been submitted. 29/03/10- New application to be submitted for alterations to building. 06/01/10- Found guilty fined £500 and costs – letter sent asking to comply with notice or will be prosecuted again. 12/10/09 – Owner pleaded not guilty court case has been adjourned until 5 November 2009. 17/07/09 – Authority granted for legal action. File with litigation. 15/06/09- Preparing prosecution file. 16/04/09- Notice issued on 16/03/09

22.	Adjacent to 5 Tansley Drive, S9 1LH	Unauthorised Dwelling	02/03/2009	<p><b>06/11/12 – Work has started and the weeds etc have been cleared.</b> 25/07/12- Architect to remind owners to carry out landscaping. 02/04/12 – No work has been carried out yet - monitor site. 13/01/12 – Architect has asked if the work can be carried out in 04/12- as the property was unoccupied and maintenance would have been difficult the property is now occupied. 11/10/11 – have had assurance from the architect that the required landscaping will be carried out end of October 2011. 05/07/11 – Letter has been sent reminding the owners to comply with landscaping condition. 24/03/2011 site being monitored to ensure landscaping scheme is implemented. 15/09/2010. Dwelling complete. Landscape works outstanding – monitor. 11/06/2010 Work on site commenced to conform to approved plan – monitor. 06/06 2010 Appeal part allowed part dismissed. 12/03/2010 Awaiting Inspectors decision. Public Inquiry date 10/11 March 2010. 13/08/09 Enforcement Appeal submitted. 09/07/09 Enforcement notices issued. 01/07/09 New planning application submitted ref 09/02065/FUL 31/03. Instructions to A&amp;L to issue enforcement notices. 09/03 s330 notice issued.</p>
23.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<p><b>31/10/12 – Land registry still show previous owner, the property was let to current occupiers without any consent from freeholder and have been evicted</b></p>



				<p><b>from the property. Property is now empty – meeting to be arranged with litigation to discuss best way to proceed with this case.</b> 25/07/12 – The property has been sold and new owners are working with the Council to get the shutters removed. 02/07/12 – the owner has moved abroad, can not prosecute until he is back in the UK - matter with litigation department. 02/04/12 – reminder letter has been sent out. Not complied with Notice. 2<sup>nd</sup> litigation file being prepared. 13/01/12 – Fined £1,965.00 including costs. Reminder letter has been sent asking to comply with notice. 11/10/11 – court date 28/09/11, the owner did not appear in Court a warrant has been served for his arrest. 05/07/11 – Awaiting Court date. 22/03/11 – Shutters not removed file with litigation for prosecution. 26/01/2011 Litigation agreed to take to court unless shutters are removed before 31/01/2011. 14/09/10 Prosecution file with litigation. 30/06/10 – Prosecution file has been prepared with litigation. 29/03/10 – New application to be submitted to relocate the shutters internally. File is also being prepared for litigation. 06/01/10-Found guilty and fined £500 and costs, Letter sent asking to remove shutters or submit a new proposal. Owner to submit a new proposal before 15 Jan. 12/10/09 – File with litigation. 17/07/09 File has been passed to litigation. 15/06/09 – Appeal has been refused timescale to be</p>
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				submitted for the removal of the shutter. 16/04/09 – awaiting appeal decision. 21/01/09 – Appeal made 06/01/09 – Enforcement Notice issued 26/11/08
24.	Land between Tenter Street, White Croft Bakers Lane and Solly Street – Velocity Village	06/00283/FUL Breach of Condition 4 Landscaping, Condition 5 Management Plan, Condition 6 Highway improvements, Condition 7 Travel Plan, Condition 10 Archaeological works, Condition 11 Public Art, Condition 13 prevention of surface water spilling onto highway, Condition 18 surface water disposal, Condition 19 surface water drainage parking and hard standing areas, Condition 20 surface water drainage, Condition 25 Sound attenuation works, Condition 30 parking, and Condition 32 Highway improvements	12/06/2008	<b>06/11/12 – new owners still working with case officer to resolve the issues, a new conditions application is to be submitted shortly.</b>