



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

---

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

---

**Date:** 22 April 2014

---

**Subject:** Enforcement Report

---

**Author of Report:** Lee Brook

---

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

---

### **Reasons for Recommendations:**

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

### **Recommendations:**

That members note the current progress on actions

---

### **Background Papers:**

---

**Category of Report:** OPEN



**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 31 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 / 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.	<b>24-30 Walkley Bank Road</b>	<b>Unauthorised use of car park to flats for parking / storage of commercial removals vehicles.</b>	<b>11/03/14</b>	<b>14/03/14 – Confirmed that unauthorised use ceased under threat of enforcement action. NFA required for now. Site will be monitored for a while.</b>
2.	<b>492 Barnsley Road</b>	<b>Unauthorised Change of Use from A1 to A5 and erection</b>	<b>11/03/14</b>	<b>Preparations being made for service of EN to remove flue and negotiations</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
		of external flue without planning permission		needed to find alternative method of venting fumes away without causing visual harm.
3.	Telecommunications Mast, Oak Lodge Farm, Thompson Hill	Retention of mast beyond 6 month time limit that is permitted for emergency installations by The T&CP (General Permitted Development) Order.	05/12/13 (delegated)	<b>Notice complied with; mast removed &amp; re-erected 20m away under new emergency, temporary PD. Assurance has been given on behalf of the company that it will be removed once the construction of the approved mast, PP12/00963/TEL for permanent mast nearby on the same property is finished.</b> BCN served 07/01/14, which requires BOCN served 7/1/14 requiring the removal of the mast & associated equipment by 18/3/14, (10wks).
4.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	<b>24/03/14-Works underway &amp; good progress made.</b> S215N served 4/10/13. Took effect 1/11/13, requiring renovation works including making building wind & water tight. Compliance required by 21/2/14.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
5.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	Appeal lodged against EN, outcome awaited <b>01/04/14</b> . EN issued 19/10/13, which takes effect 23/10/13 and requires removal of conservatory by 12/2/14.
6.	Vetsry Hall, Crookesmoor Road	Listed building in poor state of repair.	20/5/13 (delegated)	<b>24/03/14 – Roof tile replacement is last outstanding issue to complete, works continue.</b> Works ongoing at January 2014. S215N served 24/5/13. Came into effect 21/6/13 & requires roof repairs, boarding of windows / painting black & general making good, wind & water tight etc. Compliance was required by 2/8/13. Owner appealed to Magistrates against S215N. Magistrates refused to deal with appeal as it was out of time. Notice was not complied with so Council contractor appointed to carry out works following tender process. Owner began work at 11 <sup>th</sup> hour but costs have been incurred by Council due to tender process so that money will be recovered in any event.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
7.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	<p><b>Application received to relocate the 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 and re-constructing in one job.</b></p> <p>EN served 15/2/13 &amp; 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.</p>
8.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	<p><b>10/02/14 – land levels fully restored. EN complied with NFA required 16/1/14,</b></p> <p>work stalled again, but enforcement continues to liaise with the owner to progress but leaving prosecution option open. 31/7/12 – earth bank part restored, work ongoing. Fence erected to separate Land from house, container removed so that work can start of re-contouring.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Stanley Rd continued from 4			Officers have met with owner 6/3/12 & agreed a course of action for satisfying the EN with owner. EN served, took effect 14/11/11- requires use as house curtilage & storage to stop, removal of container & any stored plant & removal of metal fencing & gates by <u>5/3/12</u> .
9.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	<b>Works completed, S215 complied with.</b> 07/01/14 – Work by the owner to renovate the house are nearly complete. Window will be last job before house rented out 10/07/13, Quotes for works being sought from 3 sources to cost up work. Direct action still not complied with by 31/12/12. Not complied with at 31/1/12, considering prosecution & / or direct action. S215N served 11/5/11 requiring new window by 1/8/11 following failed negotiations since 1/12/10. The street is well kept & tidy & we wouldn't usually use s215 for this type of low level problem, in this case it is justifiable.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
10.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p><b>31/3/14 – Action will begin before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc.</b> (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.</p> <p>(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 and HMO now has PP.</p> <hr/> <p>(2) 11/03370/FUL now granted 3/1/12, implementation will superseded the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370/FUL for</p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	290-308 Pitsmoor Road			alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 & enquires removal of canopy by 31/8/11.
11.	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	<b>31/3/14</b> - Litigation still pursuing 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 and prosecution next step to be considered.
12.	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<b>Officers propose to set a new deadline, 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.</b> At January 2014, the lease is still being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the sellers part. The business is overcoming

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p7			<p>problems with their bank &amp; 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 4-6wks =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 &amp; land contamination. Relocation to new site - the legal process begun &amp; 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 &amp; 11/01953/CHU</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
	Parker's Yard continued from p8			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 (09/02757/CHU) dismissed.
13.	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)	<b>31/03/14, Applications under consideration.</b> Discharge of Conditions applications, refs.13/00599/COND & 13/00606/COND under consideration 15/1/14, likely to come to committee in Feb/March. Development nearly completed. PP being implemented at 26/9/11,so BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & a promise to start work along agreed lines was 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. Details for each condition required by 29/3/10.

