



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 22 April 2014

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee, or under delegated powers in the City Centre and East Area.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City Centre and East Area.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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.	85 Robin lane, Sheffield, S20 1BB	Unauthorised first floor balcony	01/04/14	07/04/14 – Enforcement Notice has been served, takes effect 06/05/14 and needs to be complied with by 06/07/14.
2.	20 Paddock Crescent, Sheffield, S2 2AR	Unauthorised erection of fence at front and decking at rear of property	11/03/14	01/04/14 - A letter asking for the fence to be removed and S330 Notice has been sent.
3.	Parkway Drive,	Non-payment of planning obligation monies - £22,739 (02/03081/FUL)	20/12/10	01/01/14 - The monies were paid on 6/12/14 - NFA

4.	87 Bowden Wood Crescent, S9 4EA	Unauthorised rear conservatory	17/12/13	01/04/14 – EN has been served compliance period expires 04/06/14. 09/01/14 – The owner has assured that the conservatory will be removed by the end of March. An EN will also be served in the next few days.
5.	41 Park Grange Mount, S2 3SP	Unauthorised raised platform	17/12/13	07/04/14 - EN has been served, took effect on 04/03/14 and requires compliance by 24/06/14.
6.	Adjacent to Bailey Bridge, Effingham Street, S4 7YP	Unauthorised telecommunications mast	15/10/13	01/04/14 – The mast and associated equipment has been removed – NFA. 09/01/14 – BCN has been served 17/12/13 compliance period 6 weeks. 11/11/13 – Appeal against planning application has been dismissed. In discussions with owners to remove the mast.
7.	42 Dundas Road, S9	Unauthorised flue	15/10/13	07/04/14 – EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.
8.	37 Westfield Avenue, S12 4LG	Unauthorised high fence	15/10/13	07/04/14 – The appeal has been dismissed on 24/03/14, 8 week compliance period ends 09/05/14. 09/01/14 – EN has been served 26/11/13 an appeal has been made. 05/11/13 – Application (13/01874/FUL) has been refused with enforcement action. EN being prepared

9.	5 & 7 Pleasant Close, S12 2BB	Breach of condition 15- Surface water drainage, 20 – Intrusive investigation report, 21, 22 and 25 – relate to remediation works	22/10/13	01/04/14 – A conditions application (13/03529/COND) has been received, pending consideration. 09/01/14 – A condition discharge application has been submitted. Currently working with Officer to resolve issues. 05/11/13 – BCN has been served on 4/11/13 and comes into effect 28 days after it was served.
10.	Tesco, 1 Savile Street, S4 7UD	Breach of condition 30 – Landscaping, 31 – Public realm works, 33 – Maintenance of the sward, 46 - Revised remediation strategy	11/10/13	07/04/14 – Most of the work has been carried out except for the work relating to green wall reminder to be sent. 09/01/14 – Working with Officer to resolve issues, some work has been done. 05/11/13 – BCN has been served 21/10/13 and comes into effect 28 days after it was served.
11.	Units 6A and 6B Junction 34 Industrial Estate, Gresboro Road, S9	Breach of Condition 6 – use of building between 0900 to 1700 Monday to Friday and 0900 to 1300 on Saturday	09/09/13	01/04/14 – It appears that conditions are being complied with no further complaints received – NFA. 09/01/14 – Variation of condition application has been granted – Monitor site. 05/11/13 – BCN has been served and has come into effect. The notice is being complied with. Application (13/03662/CHU) has been submitted to vary condition – Continue to monitor.
12.	60 Clifton crescent, S9 4BE	Unauthorised use of garden for the storage of building materials and machinery	13/08/13	01/04/14 – Some materials still remain in garden a EN will be served. 14/01/14 - Most of the rear garden remains clear – Monitor site and if use starts again then serve EN.

13.	104 Stafford Road, S2 2SF	Unauthorised conservatory	25/02/13	<p>01/04/14 – Appeal has been upheld. However, a condition has been attached stating that the rear side of conservatory needs to be rendered matching existing render on the property before July 2014; if this work is not carried out within this time period then the conservatory needs to be demolished. 14/01/14 – Inspector visited premises on 11/01/14 awaiting decision from Planning Inspector. 04/04/13 – EN has been served on 19/03/13, takes affect 22/04/13 – 8 weeks compliance period.</p>
14.	Steel House, 53-59 West Street, S1 4EQ	Unauthorised Use of premises as a night club	25/02/13	<p>01/04/14 – It appears that premises are no longer being used. If premises come back into use licensing will let planning know- NFA 09/01/14 – The Architect has stated that the premises are no longer being used. Monitor. 05/11/13 – New application (13/01495/CHU) has been submitted (Invalid).15/04/13 – Letter asking to stop the unauthorised use and a S330 Notice has been served.</p>

15.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13	<p>07/04/14 – A BCN to be prepared and served. 09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions. 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.</p>
16.	Alma Street, Sheffield, S3 8SA	Unauthorised Car Park	17/12/12	<p>07/04/14 – The unauthorised use has stopped and the unauthorised signs have been removed. NFA 09/01/14 – The unauthorised use has stopped however the signs have not been removed yet. A reminder will be sent. 05/11/13 – Appeal has been dismissed, however there is an error on the appeal decision which has been raised with Planning Inspector. The appeal decision will probably be reissued with a new compliance date. 03/07/13 – Awaiting decision from Planning Inspectorate. 04/04/13 – An appeal has been made against the EN. 25/01/13- EN served 24/1/13 - Compliance period is 28 days from when the notice is served</p>

17.	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	<p>01/04/14– Appeal has been dismissed 6 month compliance period from 24 October 2013 expires on 24/04/14.</p> <p>03/07/13 - Case with the Planning Inspectorate. 04/04/13 – An appeal has been made against the EN. 23/01/13 – EN has been served (14/12/12) and an appeal has been made.</p>
18.	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	<p>07/04/14 – the required work has been carried out – NFA. 09/01/14 – Planning permission (13/01597/FUL) for the alterations has been granted with conditions. The unauthorised flue at No 64 has been removed – Condition application has also been submitted. Monitor site.</p> <p>03/07/13 – Some of the required works have been carried out, a planning application has also been submitted to regularise the other works. A prosecution file has also been prepared and sent to litigation with a view that if all works are not carried out or if the applications are refused then the matter will be presented to court without delay. 04/04/13 – EN's and S215 have not been complied with, a site meeting has been arranged to discuss what needs to be done to comply with these Notices. Prosecution file is also being prepared and will be passed to litigation. 23/01/13 – EN's have been served on 4/12/12 and a S215 Notice has also been served on 68 Wicker.</p> <p>Compliance period 3 months from when the notice was served.</p>

19.	28 Ebenezer Street, Sheffield S3 8SR	Untidy Land – derelict building in a state of disrepair	29/10/12	07/04/14 – The Notice has been complied with – NFA. 09/01/14 – Planning permission has been granted – Monitor site. 03/07/13 – Planning application (13/01940/FUL) has been submitted - invalid. 04/04/13 – S215 Notice has been served on 29/10/12 – Owner currently negotiating pre-app for residential on site.
20.	44 Fellbrigg Road, Sheffield, S2 2GX	Unauthorised erection of a timber storage building at the front elevation of the property	13/08/12	01/04/14 – The case was in Court on 20/03/14 and is now scheduled for a full trial in July 2014. 09/01/14 – New evidence has been gathered and file passed to litigation for prosecution. 04/04/13 – Prosecution file being prepared. 25/01/13 – EN has been served needs to be complied with before 16 Feb 13.

21.	255 Glossop Road, S10 2GW	Unauthorised fume extraction system	23/07/12	07/04/14 – Discussing with owner an alternative to the air conditioning unit. 09/01/14 – Flue has been removed and a new approved flue has been erected. Minor details such as air con unit and external metal grill need to be resolved. 03/07/13 – Planning application has been granted with conditions – Condition 1 - asking for the flue to be replaced within 6 weeks from decision. To date the condition has not been complied with and the matter is being reported to prosecution. 04/04/13 – Planning and Listed Building application (12/03919/FUL and 12/03920/LBC) have been submitted and under consideration for alternative scheme. 29/10/12 – EN has been served and took effect on 26/10/12 and needs to be complied with before 26/01/13.
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22.	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	01/04/14 – Application has been validated and pending consideration. 09/01/14 – Most of the information has been submitted and rest will be submitted in the next few days. 05/11/13 – The occupier has contacted the architect and has assured that the required information will be submitted before end of Nov. 03/07/13 – The application still remains invalid the architect has had bereavement in family therefore not been able to submit required details; however assurances have been given that they will be submitted asap. 04/04/13 - A retrospective planning application (12/03059/FUL) has been received to retain the current use.
23.	Site Of Richardsons Cutlery Works, Alma Street and Cotton Street, S3 8SA	Unauthorised demolition of boundary wall	10/04/12	07/04/14 – The wall has been rebuilt as required – NFA. 09/01/14 – In discussions with officer to resolve this issue. Compliance period expires 11/03/14. 05/11/13 – Appeal has been dismissed, however there is an error on the appeal decision which has been raised with Planning Inspector. The appeal decision will probably be reissued with a new compliance date. 03/07/13 - EN served (16/06/12) and has been appealed against, awaiting Planning Inspector's decision.

24.	272 Glossop Road, S10 2HS	Unauthorised cooling fan at rear of property	20/12/11	<p>01/04/14 – The fan has been removed – NFA. 09/01/14 – Prosecution file has been passed to litigation. 05/11/13 – A 2nd prosecution file is being prepared. 03/07/13 – A letter has been sent asking to remove the unit before August 2013. 11/02/13 – Appeared in Court on 31/01/13 pleaded guilty and was given a conditional discharge. Reminder letter to be sent asking to remove unit within 6 months. 19/12/12 and he asked for adjournment, was adjourned until 31/01/13 .29/10/12 – Prosecution file has been prepared and is currently with litigation. 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.</p>
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25.	Former Foundry Worker's Club and Institute, Beaumont Road North, Sheffield, S2 1RS	Untidy Land – Derelict building in a state of disrepair	11/12/2011	<p>07/04/14 – Before the premises were auctioned all monies owed to SCC for demolition and associated costs have been paid in full - NFA. 09/01/14 – legal have instructed Kier Asset Partnership Services to put the land in an auction as soon as possible. 07/11/13 – Deadline for due payment is beginning of December if no payment is received then the property will be put in auction early next year. 03/07/13 – Currently in the process of pursuing 'enforced sale' of the site. 29/01/13 - The derelict building on the edge of the Harborough Lower Manor Estate was demolished by appointed contractors early in April 2012 following non-compliance with a section 215 notice. The demolition was funded by the Local Growth Fund to un-lock the site and make it viable for re-generation and development.</p>
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26.	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	<p>07/04/14 – Planning permission has been granted – NFA. 09/01/14 - New application (13/03658/FUL) has been submitted for the continuation of the use of the premises as a car wash. The application has been validated. Monitor. 05/11/13 – Planning permission expired on 01/11/13, advice from litigation was to withdraw the current prosecution and the owner should re-apply for planning permission. 03/07/13 – Litigation file has been prepared and sent to solicitors for prosecution. 15/04/13 – A letter is being prepared by litigation and will be sent shortly. 25/01/13 – New BCN has been served and to date it has not been complied with. A prosecution file is being prepared and will be passed to litigation. 29/10/12 – After several discussions with owner have failed a new BCN is being prepared and will be served shortly.</p>
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27.	484 Staniforth Road	Unauthorised roof extension	25/01/2010	<p>07/04/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, contact to be made in the next few weeks with the lending bank to see if it can assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 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. 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 2nd 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</p>
28.	Jacosa, 141 West Street, S1 4EW	Unauthorised Roller Shutters	13/10/2008	<p>01/04/14 – One shutter has been removed and the other should be removed shortly. 09/01/14 - The new occupier has assured that main entrance door will be replaced and then the shutters will be removed. – Monitor site. 05/11/13 – The new occupier was prosecuted and fined £370 in total.</p>

