

**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 March 2015**

**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**

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION (or delegated authority)</b>	<b>CURRENT SITUATION</b>
1.	<b>80 Hill Top Road</b>	<b>Failure to comply with condition 5 of PP 07/00729/FUL – Glazing to Dormer Window to be obscure glazed.</b>	<b>22/4/15</b>	<b>BCN served 22/4/15, requires glazing to be obscure within 30 days.</b>

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2.	110 Bolsover Road	Unauthorised external wall insulation added to front elevation of house in breach of Permitted Development Condition regarding materials	11/12/14	<b>BCN served 29/1/15, requires Replacement of the unauthorised cream render material, installed over what was previously visible red brick and stone on the front elevation, with materials that are similar in appearance to the original red brick and stone. Compliance required by 21/5/15.</b> Jan 2015, Seeking legal advice about construction of BCN
3.	281 Springvale Road	Unauthorised Fence of over 1m in height erected adjacent to highway, which is out of keeping with area.	09/12/14	<b>EN served 16/1/15 &amp; it requires the removal of the fence from Springvale &amp; Mona Roads front by 7/4/15. Owner has reduced height of fence to PD limit. The EN is now therefore a nullity. NFA can be taken.</b> Owner to be advised of enforcement authority in due course and course of action to be developed.
4.	523 Loxley Road	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	<b>EN served 19/2/15. It requires removal of canopy &amp; balcony by 15/5/15.</b> Dec '14 – Legal services instructed to prepare EN

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	Loxley Road continued from p2			for removal of whole development. Retrospective application to retain balcony aspect only, refused 23/12/13 & subsequent appeal dismissed on 1/4/14.
5.	209 Stannington Road	Unauthorised Front Extension to House	09/12/14	<b>EN served 16/1/15. It requires removal of white plastic extension from the front of house by 11/5/15.</b>
6.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North	Unauthorised Excavation Works.	09/12/14	<b>Unexpected delay but application is under preparation as at 20/4/15. It is confirmed that all work on site is stopped, hasn't progressed any further, and will remain stopped pending outcome of the proposed application.</b> 17/12/14 - Owner has committed to submit application with justification for the development by end of January.
7.	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)	<b>15/00275/FUL submitted 26/1/15 to change details previously approved under 10/03955/FUL. This includes extent of garden area &amp; fencing thereto,</b>

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	Coward Drive continued from p 2	window details changed, soft landscaping not provided & trees felled.		<b>changing French doors at 1<sup>st</sup> floors to windows, omission of grassed areas at front of properties &amp; omission of trees from scheme. Under consideration at 21/4/15. 08/01/15 - Awaiting service of BCN. Details sent to Legal Services 30/09/14 for service of BCN</b>
8.	Oak Lodge Farm, Thompson Hill	Unauthorised siting of 2 caravans and 4 metal containers	01/04/14	<b>16/1/15 – The Council withdrew the EN &amp; its interest in the Public Inquiry due legal advice (from Council’s appointed Barrister to act in the Inquiry). This is due to significant steps taken by the owner/appellant to remedy the issues covered by the EN. Step included removal of Two containers (containers 1 &amp; 3) &amp; 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).</b>

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	Oak Lodge Farm continued from p4			<p><b>29/1/15 – Noted by officers on site that container 3 removed from land &amp; container 4 has now been relocated to a position between two existing farm buildings, removing planning objections to it (on visual grounds). The only issue remaining is residential caravan A.</b></p> <p><b>21/4/15 - Legal advice being taken in relation to caravan A</b></p> <p>Appeal lodged &amp; Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans &amp; 4 containers.</p>
9.	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 &amp; 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> <p>- 14/02191/FUL – for an outdoor seating area. Decision pending at <b>21/04/15</b>.</p>

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	Main Street continued from p.5			<p>- 14/01031/FUL — extend opening times to 8am to 6pm Monday to Friday, 8am to 5pm Sat.&amp; increase cooking equipment to 2 microwave ovens, 1 griddle &amp; 1 safety fat fryer. Granted Conditionally 6/1/15.</p> <p>- 14/-1042/FUL –PP granted 6/1/15 for reposition air handling plant &amp; add sound attenuation measures. Outcome of those applications is awaited before any further action taken on BCN.</p>
10.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/14	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.
11.	Aldi, 82 The Common	Non-compliance with conditions of PP 13/00498/FUL for erection of a food store,	16/01/14 (delegated)	<b>20/4/15 – Landscaping not completed so owners to be contacted &amp; told to finish.</b> All details for conditions approved. Only

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	The Common continued from p6	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		outstanding issue is the implementation of approved landscape scheme by end of current 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.
12.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	<b>Phase 2 work started 20/4/15.</b> 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.

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13.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p><b>Little progress due to other high priority work. Progress expected by next update.</b> 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.</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 &amp; HMO has PP</p> <hr/> <p>(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</p>



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	Pitsmoor Rd continued from p 8			alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.
14.	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>07/01/15</b> – 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.
15.	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<b>22/04/15 – new application is under consideration.</b> 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 it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with bank & with the vendor for the

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	Parker's Yard continued from p9			<p>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 &amp; land contamination. Relocation - the legal process begun &amp; discharge planning conditions also taking place now. Initial estimate is Dec'11 for work to start at Pearson Forge. Alternative site that would be suitable for relocation identified &amp; 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.</p>

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16.	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>22/04/15, Applications under consideration.</b> 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.

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