

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 June 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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
1.	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,	9 th November 2012	BCN served on 4th July 2015, requiring submission further information to supplement the Remediation Strategy Report which confirms that the validation methodology for the capping system is in accordance with standard Environmental Protection Service and Local Planning Authority requirements, to enable the

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				Council to approve the report in accordance with condition no. 17 and thereafter ensure that all development and associated remediation is carried out in accordance with the approved strategy as required by condition no. 18 and that in accordance with condition no. 19 any identified measures in the report are subject to a validation report.
2.	80 Hill Top Road	Failure to comply with condition 5 of PP 07/00729/FUL – Glazing to Dormer Window to be obscure glazed.	22/4/15	Complied NFA action required. BCN served 22/4/15, requires glazing to be obscure within 30 days.
3.	110 Bolsover Road	Unauthorised external wall insulation added to front and rear walls of house in breach of the materials condition in the planning permission under PD.	11/12/14	09/07/15 - Legal proceedings being prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15, requires Replacement of the unauthorised cream

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				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. Jan 2015, Seeking legal advice about construction of BCN
4.	523 Loxley Road	Unauthorised Car Port erected at rear of house, which includes a balcony roof.	09/12/14	Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15. Dec '14 – Legal services instructed to prepare EN 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	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.

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6.	Land, Rear of Former Middlewood Tavern, off Middlewood Road North	Unauthorised Excavation Works.	09/12/14	EN being prepared at July to advance matter more timely, but co-operation from landowner is expected as at 09/07/15. Unexpected delay but application is under preparation as at 20/5/15. 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. 17/12/14 - Owner has committed to submit application with justification for the development by end of January.
7.	91-99 Coward Drive Coward Drive continued from p 2	Non-compliance with approved plans & conditions of PP 10/03955/FUL for erection of 5 houses. Fencing omitted, window details changed, soft landscaping not provided & trees felled.	30/9/14 (delegated)	PP granted 9/4/15 for gardens to be set to 10m from rear elevation with boundary fence on this position, french doors to rear elevation of upper ground floor amended to window, bin stores to be omitted, grassed areas to drives & trees omitted. NFA required. 15/00275/FUL submitted 26/1/15 to change details previously approved under

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				10/03955/FUL. This includes extent of garden area & fencing thereto, changing french doors at to windows, omission of grassed areas at front of properties & 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
8.	Oak Lodge Farm, Thompson Hill Oak Lodge Farm continued from p4	Unauthorised siting of 2 caravans and 4 metal containers	01/04/14	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 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

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				<p>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>
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	28/03/14 (delegated)	<p>All applications complied with & café operating within planning controls.</p> <p>BCN served 28/3/14 requiring compliance with c3,c6 & c7 within 28 days. 3 planning applications submitted to alter the</p>

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	Main Street continued from p.5	plant.		<p>conditions being enforced, therefore BCN deemed to be complied with as info required is dealt with by these applications:</p> <ul style="list-style-type: none"> - 14/02191/FUL – for an outdoor seating area and fencing to boundaries approved conditionally 27/5/15. - 14/01031/FUL — extend opening times to 8am to 6pm Monday to Friday, 8am to 5pm Sat.& increase cooking equipment to 2 microwave ovens, 1 griddle & 1 safety fat fryer. Granted Conditionally 6/1/15. - 14/-1042/FUL –PP granted 6/1/15 for reposition air handling plant & add sound attenuation measures. <p>Outcome of those applications is awaited before any further action taken on BCN.</p>

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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, 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	16/01/14 (delegated)	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. 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

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12.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	Phase 2 work started 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.
13.	290-308 Pitsmoor Road	(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	19/4/11	Little progress due to other high priority work. Progress expected by next update. 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

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	Pitsmoor Rd continued from p 8			<p>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 & 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 alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.</p>
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	<p>07/01/15 – 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.</p>

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15.	<p>Parker's Yard, Stannington Road</p> <p>Parker's Yard continued from p9</p>	<p>Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.</p>	10/6/10	<p>09/07/15 – new application 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 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</p>

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	Parker's Yard continued from p9			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 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.
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	15/12/09 (delegated authority)	09/07/15, 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

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		frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		& 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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