



DATE 21 AUGUST 2012

**REPORT TO WEST & NORTH
PLANNING AND HIGHWAYS
COMMITTEE**

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM 10

SUBJECT ENFORCEMENT UPDATE REPORT & QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

SUMMARY

TO UPDATE COMMITTEE MEMBERS OF THE CURRENT ENFORCEMENT CASES IN THE WEST AND NORTH AREA AND THE CITYWIDE OVERVIEW OF ENFORCEMENT ACTIVITY

RECOMMENDATIONS

TO NOTE THE CONTENTS OF THE REPORT

FINANCIAL IMPLICATIONS

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS LEE BROOK

TEL NO: 0114 2734590

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 JUNE 2012

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

(Strikethrough = closed cases awaiting the OK by committee to remove from report)

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	108 Darwin Lane	S215, Unkempt Garden affecting amenity of area (s215 is under special controls – this is not a breach of planning control)	8/3/12 (delegated)	S215 notice served 8/2/12. Notice not complied with by owner. Council has taken direct action 15/5/12 and owner has agreed to pay costs. 26/6/12, writing to owner to request payment.
2.	Land adjacent to 1 Hunshef Park, Stocksbridge	S215, Untidy Land affecting the area (under Special Controls / not a breach of planning control)	9/2/12 (delegated)	19/6/12 Site now cleared / S215N complied with. No further action required. Case can be closed. S215N served 9/2/12 after failed attempts to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	(Hunshelf park continued from p1)			negotiate improvements to land. Notice requires removal of waste materials, caravan, building equipment/plant, building waste, scrap vehicles, repair of boundary fence & removal of scrap vehicles. Notice took effect 8/3/12, requires compliance by 22/3/12. Report of compliance, to be checked before Committee on 17/4/12.
3.	365 Southey Green Road	Change of Use from Offices to Residential Accommodation	3/1/12	EN complied with, case can be closed. Appeal lodged against EN by the Freehold owner of the building was dismissed 19/5/12 , although the EN is now complied with. The leasehold owner has quit & the tenants have left. The building is empty. EN served 16/1/12. Comes into effect 20/2/12 & gives until 20/6/12 for residential use to stop.
4.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	31/7/12 – earth bank part restored, work ongoing. Fence being erected to separate Land from house, container removed so that work can start of re-contouring. Officers have met with owner 6/3/12 & agreed a course of action for satisfying the

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	(Stanley Road continued from p2)			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> .
5.	Creevela Works, Parsonage Street / Parsonage Crescent.	Porta cabin placed on roof of existing one storey building.	25/10/11	EN complied with May 2012. Case can be closed. EN served 7/11/11, took effect 12/12/11 & gave until 7/5/12 to remove the unauthorised temporary building. Long compliance period given due to temporary logistical problems for the business due to lack of space & to give the business time to arrange alternative office / storage space. Visit 8/5/12 show EN fully complied with. This case was omitted from previous report in error.
6.	51 Thompson Hill	Unauthorised Erection of 1 st floor extension to rear of house – ref.11/01679/FUL	2/8/11	PP refused 2/8/11. 6 months given, (from 2/2/12) to owner to alter extension to comply with PD limits. Work not done – EN served 2/4/12 requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN, awaiting outcome.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
7.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	Direct action after 31/8/12 if S215N still not complied with by that date. Not complied with at 31/1/12, considering options of 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 otherwise well kept & tidy & although wouldn't usually use s215 for this type of low level problem, in this case it is justifiable.
8.	290-308 Pitsmoor Road	(i) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (ii) Canopy to front of Shop refused PP	19/4/11	31/7/12. Discharge of conditions application being prepared for this PP. (i) 11/03370/FUL now 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/FUL for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 & requires removal of canopy by 31/8/11. (i) New application 11/01912/FUL to improve the scheme taking account of

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Pitsmoor Rd continued from page 4			reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11
9.	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	31/7/12 - 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.
10	235A Burncross Road	Use of building as a sandwich shop/café (A5), alterations to shop front including roller shutters & an outdoor seating area with breeze screens, 10/02658/FUL refused	8/3/11	Fume extraction installed Case can be closed. 11/02566/FUL granted conditionally 3/1/12 for A3 café. Use has been modified and is now Class A1 sandwich shop. EN held off as Officer negotiating solution to remove tables / seating and limit use / menu to A1. Env Protection Service are included in investigation due to odour nuisance to neighbouring house.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
11	7 Redwood Glen, Chapelton	Unauthorised Boundary Wall & fence and level changes to land. 10/02717/FUL refused	8/3/11	19/7/12 - EN served, (no alternative left) as deadline passed with no action from owner. EN comes into effect 23/8/12 & requires removal of unauthorised wall & fence by 15/11/12. 23/1/12-Application now submitted but is invalid for one piece of missing info, being chased-ref. 11/03843/FUL. Deadline passed & no application submitted for alternative scheme. 29/9/11 letter sent giving 14 days to submit application. Owner claims they didn't receive this so it was hand delivered 31/10/11. Officer negotiated submission of an alternative scheme within 6 months that would be acceptable, as per Cttee decision.
12	62 Barnccliffe Road	Take away open on Sundays & Public Holidays in breach of PP 10/01405/FUL	10/1/11 (delegated)	Appeal against refusal of 11/00893/FUL was allowed conditionally. PP granted by Inspector for Sunday and Bank Holiday opening. Case can be closed. Monitoring continues for evidence of breaches over easter bank holiday, one event reported at xmas. 11/00893/FUL refused 11/5/11 to extend trading to

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Bamcliffe Rd continued from page 6			Sundays & Bank Hols for deliveries only. BCN served 18/1/11 requiring shop be closed on public hols/Sundays.
13	19 Haywood Lane & adj Land off Ash Lane, Stocksbridge	Derelict former engineering works and eyesore land adjoining it. (S215 case under 'Special Controls'- not a breach of planning control)	29/11/10 (delegated)	<p>Visit April shows S215N now complied with – whole building removed & land cleared / left in acceptable condition Case can be closed. Another month given to comply expires- April, work is slow but progress is being made on demolishing the building, which results in further waste to dispose of. Owner undertaking work himself due to financial constraints. Court date was put back to 16/1/12, now put further back to 29/2/12 as personal circumstances of owner make it inappropriate to prosecute at this time. Court date -14/12/11. Extension, to 7/7/11, given to comply due to plea from owner but still little progress at 24/10/11. Prosecution file sent to Litigation 20/7/11. S215 served 1/3/11 to demolish buildings, clear waste, tipped earth, rubbish, building materials, machinery, tyres & other items &leave land tidy. Took effect 30/3/11 & requires</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	(Haywood La continued from p7)			compliance by 8/6/11. Delegated Authority for S215N to demolish workshop & clear land. Last chance letter sent 30/11/10 giving 21 days to make good progress towards proper maintenance. Visit 20/12/10 shows small improvements & owner made contact to say further works due.
14	1, 2, 3 and 4 Pheasant Lane, Ewden Village (also see case no.17)	Four unauthorised houses (not in compliance with PP 05/04528/FUL) New PP 11/03443/FUL for 4 bungalows dated 24/1/12	23/11/10 & 24/1/12	20/6/12 – Owner has agreed to adhere to original 2m separation between nos.3 & 4 & has submitted plans to show this. Also it appears that the letter sent 4/5/12 was not received by owner, so a new letter dated 30/5/12 sent given deadline of 31/8/12 for no.3 to be altered in accord with PP before legal proceedings begin. Applic 12/00769/FUL for no.3 can now be considered with an amendment. It will involve taking down part of house and rebuilding it closer to no.4- because the external appearance will be different it requires new PP. New PP granted 24/1/12 ref 11/03443/FUL for 4 bungalows instead of 4 houses. Letter 4/5/12 sent to owner requesting that

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Ewden Village continued from page 8			<p>implementation must begin without delay or in the alternative the EN must be complied with without delay. Following this letter, nos. <u>1, 2 & 4</u> were reduced in height during Feb & March in accord with this new PP & they are each in their correct footprint positions. No.3 has been reduced in height to one storey & then work has stopped mid March so that no.3 remains in wrong position 6.5m away from no.4 instead of the approved 2m separation. An application was submitted 12/3/12 for no.3 (ref 12/00769/FUL) to regularise this position but officers have written to the agent refusing to consider that application (this is allowed by the Planning Act in certain circumstances, which now apply here). The letter also insists that no.3 be demolished (it can be built in accord with plans under 11/03443/FUL - 2m from no.4). A couple of weeks to be allowed for a response There should be a clear direction identified by 10/4/12 if not – Legal Services will be instructed to prosecute for failing to comply with the EN as it applies to no.3. Appeals, dismissed 18/7/11 &</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Ewden Village continued from page 9			<p>EN's upheld but a longer compliance period of 6 months was given by the Inspector to demolish all 4 houses. Compliance is now required by 23/1/2012, (Appeal hearing 21/6/11).</p> <p>No.1- EN's & STOP NOTICE's served 24/1/10. Requiring demolition of 4 houses as they are unacceptably larger than approved – take effect 29/12/10 & give 4 weeks to comply.</p> <p>Nos.2, 3 & 4 - EN & STOP NOTICE served 9/12/10, requires demolition of house – Takes effect 12/1/11, 16 wks to comply, (4 houses/4 wks per house), expires 4/5/11</p>
15	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<p>18/7/12 – still delayed by solicitors, expecting contract sign for Pearson Forge very soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 4-6 weeks = approx 10/4/12). Owner reported on 28/3/12 that there should be no further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Parker's Yard continued from p10			site now likely to be later, at March due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation to new site - the legal process is well underway & 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 & applic 11/01953/CHU granted 13/9/11 for the former Pearson Forge at Penistone Road / 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	Land, Storth Lane / Green Lane, Wharnccliffe Side	Unauthorised excavation of earth and backfill with building rubble/hardcore.	27/4/10	New PP 12/01416/FUL granted 29/6/12 to amend the house design. Case can be closed as an enforcement issue because it is superseded by new development. March '12 - Work on site has started for implement PP 10/01676/FUL. No work at site yet. Letter

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Storh Lane continued from p11			<p>to owner advising deadline approaching. Appeal against refusal of application for PP to build a house upheld & PP granted by Inspector.</p> <p>EN upheld at appeal but the Inspector changed compliance period to 1 year to allow time for owner to implement PP. Therefore <u>compliance with EN now 10/3/12</u>. The PP will supersede the EN if it's begun before 10/3/12. 10/01676/FUL refused 27/7/10 & appeal lodged Aug '10, EN & Planning appeals heard March '11. EN served 20/4/10 requiring removal of hardcore & re-instatement of Land, has been appealed. 10/01676/FUL submitted for 1 house on land.</p>
17	5 Market Place, Chapeltown (now numbered 5 and 7 Market Place)	Non-compliance with approved plans under PP. 04/03413/FUL	27/4/10	<p>Retrospective application approved 22/5/12 for roller shutters, ref 12/01079/FUL. Case can be closed. Last reminder sent 29/3/12 to submit application for shutters. Alterations carried out. Application being prepared for roller shutters to new larger windows Jan '12. 2 month extension given to do the</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Market Place continued from p12			alterations, which expired 21/10/11 with no action on site. 10/03536/FUL granted 19/4/11 for amendments to original scheme. Monitor implementation to be within 4 months. Details submitted for alts to appearance (considered acceptable), PP needed to regularise-subject to Members approval. 1/6/10-Solutions explored, options are complete demolition /rebuild or alter the appearance.
18	Land south of 4 Pheasant Lane, Ewden Village, off New Mill Bank (also see case no.13)	Siting of a Log Cabin Living Accommodation	16/3/10	25/6/12 - No progress since April on completing one of the houses in case 13, which has knock on implication for occupier of this unauthorised living accommodation. Deadline of 31/8/12 given to remove building or legal proceeding will begin. The owner stated 14/3/12 that either no.1 or no.2 (item 16 on this report) can be completed for the tenant currently living in this cabin, which can then be removed as per the EN. EN not complied with at March 2012 but not to be prosecuted until the cases above at item 16, 1-4 Pheasant La are resolved, which

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Pheasant La continued from page 13			should result in at least one house being built in accord with the fall back position of one of the PP's. The cabin is occupied by the tenant of one of the demolished huts (that is now the appeal site of 4 Pheasant La, case 24) & therefore she would be homeless if the EN was successfully prosecuted. Other personal circumstances make it inappropriate to prosecute at this point. EN served 29/3/10 requiring removal of living accommodation,(occupied),concrete base, gas storage tank & shed & to restore land, the living accommodation is currently occupied & compliance required in 56 weeks-by April 2011.
19	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)	Development ongoing at August 2012 . Conditions discharged & PP being implemented at 26/9/11, so BCN now complied with. Work began March 2011. Meeting inc developer, officers & Members was held in Dec'10 & a promise to start work along agreed lines was made to start Jan'11. Discharge of conditions agreed in

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Dial House Club continued from page 14	frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		principle with applicant at meeting 6/8/10 subject to submission & approval of application. BCN served 21/12/09. Details for each condition required by 29/3/10.
20	Dial House Club, Far Lane / Ben Lane	Dilapidated Condition of former club building & untidy condition of grounds due to stalled development under PP 04/04749/FUL	9/12/09 (delegated authority)	March '12 - Building safe & sound – No further action required regarding s215. Case can be closed. Jan 2012 -Work completed on the roof problem. S215(3) served 15/3/11, with steps taking into account the new structural report –took effect 15/3/11 & requires compliance in 16 wks. See item 24 above– work to start Jan 2011. S215N(1) -New structural report 14/9/10 confirms that building unsafe & it recommends how to retain it - partial take down of load bearing walls & chimney & floors & rebuild them so that building can be retained, made safe & completed with new roof-details being considered- prosecution of S215N(1) not a practical solution in current circumstances. S215N(1) - negotiations taking place with Conservation officers for re-roof of the old club, which has structural problems.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	Dial House Club continued from page 15			<p>S215N(2)-Construction not started on site awaiting details of new start date. Enforcement of S215N(2) on hold while discussions continue. S215N(2) Work to begin July 2010. Negotiations took place with new owners to get improvements to building & land-slow progress led to x2 S215N's being served.</p> <p>S215N(1) served to Repair / Re-instate roof-took effect 7/1/10 requires compliance in 16 weeks-5/5/10). S215N(2)-to require tidying of land & removal of waste materials--effective 7/1/10 requires compliance in 4 weeks.</p>

This page is intentionally left blank