

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 September 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.	Lion Works, Handley Street	Derelict listed building causing visual harm to both the area and the building itself.	4/10/13 (delegated)	S215N served 4/10/13. It took effect 1/11/13, requiring renovation works including making building wind and water tight. Compliance required by 21/2/14.

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2.	36 Stanwood Crescent	Erection of a conservatory projecting 5.7m from the rear elevation.	03/09/13	EN issued 19/10/13. Takes effect 23/10/13 and requires removal of conservatory by 12/2/14.
3.	Vetsry Hall, Crookesmoor Road	Listed building in poor state of repair.	20/5/13 (delegated)	S215N served 24/5/13. Came into effect 21/6/13 & requires roof repairs, boarding of windows / painting black & general making good works, 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. The owner began work at 11th hour however cost have been incurred by Council due to tender process so that money will be recovered in any event.

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4.	Land adjacent to 4 Mowson Hollow	Timber Building used for store / studio	13/11/12	EN served 15/2/13 & 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.
5.	52-54 Church Street, Oughtibridge	Unauthorised refrigeration unit fitted to rear of shop.	23/10/12	EN complied with Aug/13, NFA required. EN served 12/12/12. Joint appeal against EN & refusal of PP. Appeal allowed in part in that PP was granted by the Inspector for alternative siting of the equipment with sound attenuation measures included & dismissed in part in that the Inspector agreed that the existing unauthorised equipment should be removed from present position. Removal of unauthorised equipment expected by 23/7/13. Application ref. 12/02621/FUL refused with enforcement authority. EN served 12/12/12 & appeal lodged 14/1/13 against that EN, appeal in progress.

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6.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	23/6/13, work stalled again, considering prosecution. 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. 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> .
7.	51 Thompson Hill	Unauthorised Erection of 1 st floor extension to rear of house – ref.11/01679/FUL	2/8/11	01/11/13, Unauthorised works removed. NFA required. 03/07/13, Works are on going & are near completion for amended scheme under approved 12/03865/FUL. 25/10/12 meeting held with owner & it was agreed that Council would consider amended proposal, which was submitted 11/12/12. 12/03865/FUL now under consideration at Jan'13. Appeal dismissed. Inspector extended compliance

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	51 Thompson Hill contd from p4			period to 4 months giving owner until 2/1/13 to comply with EN. PP refused 2/8/11. 6 months given, (from 2/2/12) to owner to alter extension / 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.
8.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	13/11/13 – 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 different sources to cost up the work. 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.

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9.	290-308 Pitsmoor Road	(1) Use of Ground floor for retail shop, 1 st & 2 nd floors as HMO, (11/00050/FUL refused) (2) Canopy to front of Shop refused PP	19/4/11	<p>(1) November '13 - 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 alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 & enquires removal of canopy by 31/8/11.</p>

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10	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	Nov 2013 - 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.
11	Parker's Yard, Stannington Road	Unauthorized use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	At November 2013 , 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 problems with their bank & 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

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	Parker's Yard continued from p7			<p>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 & land contamination. Relocation to new site - the legal process begun & 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 & 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 (09/02757/CHU) dismissed.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION (or delegated authority)	CURRENT SITUATION
12	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)	Discharge of Conditions applications, refs.13/00599/COND & 13/00606/COND under consideration , Development nearing completion at Nov. 2013. 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 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.

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