



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 23 February 2016

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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**Summary:** Progress report on enforcement actions authorised by committee, or under delegated powers in the South Area.

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**Reasons for Recommendations:**

The purpose of this report is to inform Committee members of progress on current enforcement cases in the South Area.

**Recommendations:**

That members note the current progress on actions

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**Background Papers:**

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**Category of Report:** OPEN

## QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA

### 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
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	TSN	Temporary Stop Notice

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Broomhill Property Shop, 319 Glossop Road, S10	A fascia sign has been erected on a listed building without consent	10/11/2015	<b>08/02/2016 – A letter to be sent asking to remove the signage with a reasonable time period.</b>
2.	3 Crescent Road, S7	An erection of a tree house	22/12/2015	<b>08/02/2016 – Planning application (15/03806/FUL) has been refused and letter to be sent that an EN will be served if the tree house is not removed.</b>
3.	259 Abbeydale Road, S7	Unauthorised erection of digital signage		<b>08/02/2016 – A letter to be sent asking to remove signage or submit an</b>

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				<b>application for an alternative more acceptable sign.</b>
4.	183 – 187 Abbeydale Road	Unauthorised canopy	19/01/2016	<b>08/02/2016 – EN to be served</b>
5.	16 Moor Oaks Road	Unauthorised replacement of windows	01/12/2015	<b>08/02/2016 – EN has been served on 01/02/2016 and takes effect on 04/03/2016 and needs compliance by 04/09/2016</b>
6.	30 Stainton Road, S11	A rear dormer balcony	01/12/2015	<b>08/02/2016 – An EN has been served on 14/01/2016 and takes effect on 22/02/2016 and needs compliance by 16/05/2016.</b>
7.	Bennett Grange, Haarison Lane, S10	Untidy land	12/03/2015	<b>08/02/2016 – S215 Notice has been served on 16/03/2015, the compliance period has been extended until 31/03/2016. Most of the work has been done - Monitor Site</b>
8.	24 Park Lane, S10	Condition 9 relating to landscaping	23/04/2015	<b>08/02/2016 - Reminder letter to be sent and if no response then the matter to be reported for prosecution. 13/07/2015 – BCN has been served on 30/04/2015 and needs to be complied by 27/05/2015 – BCN has not been complied with. File to be prepared for prosecution.</b>
9.	352 Sharrow Lane	Unauthorised replacement of	29/05/2015	<b>08/02/2016 - Appeal has been lodged</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
		windows		<b>with Planning Inspector.</b> 13/07/2015 – EN has been served on 29/06/2015 and needs to be complied with by 16/11/2015.
10.	215 -219 Fulwood Road, S10	Unauthorised roller shutter	03/03/2015	<b>08/02/2016 – The roller shutter has been removed – NFA.</b> 22/10/2015 – Site visit to be done to check if EN has been complied with – if not the matter to be reported for prosecution. 13/07/2015 – EN has been served on 09/04/2015, takes effect 11/05/2015 and compliance by 31/08/2015.
11.	166 Abbeydale Road, S7	Unauthorised canopy	03/03/2015	<b>08/02/2016 – File with litigation waiting for a court date.</b> 21/10/2015 – EN has not been complied with - Prosecution file being prepared. 13/07/2015 – EN has been served on 09/04/2015 and takes effect on 11/05/2015 and compliance by 31/08/2015. 22/05/2015 – EN has been served on the 09/04/2015, comes into effect on the 11/05/2015 unless an appeal is made (16 week compliance period).
12.	13 College Street, S10 2PH	Unauthorised replacement of roof tiles within an Article 4 Area	11/04/2014	<b>08/02/2016 - Prosecution file being prepared for litigation.</b> 20/01/2015 – The time period for compliance has expired and reminder letter to be sent.
13.	Vestry Hall	Untidy Grade 2 Listed building	16/10/2014	<b>08/01/2016 – The works are in two parts</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
	80 Crookesmoor Road Sheffield S6 3FR			<b>1<sup>st</sup> part should have been completed by 31/01/2016 and 2<sup>nd</sup> part by 31/03/2016 – no work has been done yet to comply and the matter is to be reported for prosecution.</b> 22/10/2015 – It has been agreed in Court that the works will be done by 01/2016. 13/07/2015 – Appeal has been lodged and is due in Court on the 11 August for full hearing. 19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.
14.	245 Ecclesall Road Sheffield S11 8JE	Breach of Condition 3 relating to premises opening beyond permitted hours and condition 6 relating to amplified sound	25/10/2014	<b>08/02/2016 – A new BCN to be served on new owners.</b> 22/10/2015 – TSN was served which was breached a prosecution file is being prepared for litigation. 13/07/2015 – Found guilty and fined a total of £150, surcharge £20, costs £150 and (Criminal Court Charge) of £150 – total £470. 22/04/2015 – Due in Court on the 21/05/2015. 19/01/2015 – A BCN has been served, the Notice is not being complied with. Witness statements being done for prosecution.

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15.	140-142 Abbeydale Road, S7 1FF	Unauthorised canopy	16/09/2014	<p><b>08/02/2016 – The canopy has been removed – NFA 22/10/2015 – Full hearing at the Magistrates Court on 5/11/2015. 13/07/2015 – File being prepared for prosecution. 22/04/2015 – The EN has not been complied with reminder letter to be sent if no response the matter will be reported for prosecution. 16/01/2015 – EN has been served on 30/10/2014 and needs to be complied with by 19/03/2015.</b></p>
16.	44 Grange Crescent, Nether Edge, S11 8AY	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/2011	<p><b>08/02/2016 – No work has been carried out, In discussion with owner to agree an alternative time period given the financial situation of the owner.</b></p> <p>22/10/2015 – A letter has been sent giving a deadline of 19/02/2016 to carry out works. 13/07/2015 – Fined £200, £150 Costs and £20 Surcharge. Letter to be sent giving new deadline to comply with Notice. 22/04/2015 – Due in Court for 2<sup>nd</sup> prosecution in June 2015. 16/01/2015 – Witness statement being prepared for prosecution. 14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p>complied with then the matter will be reported for 2<sup>nd</sup> prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice.</p>
17.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	<p><b>08/02/2016 – Serving 330 Notice on new occupiers and prosecution file being prepared for 223-225 Abbeydale Road.</b></p> <p>22/10/2015 – No 280 has been prosecuted and fined £420 in total and the signs have been removed. 13/07/2015 – Property no 280 due in Court in August 2015 and with regards to other properties officers are trying to identify the owners before reporting to prosecution. 16/01/2015 – Occupier details being identified before the matter is reported for prosecution.</p> <p>14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact details for each property.</p>
18.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	<p><b>08/02/2016 – Final letter to be sent before the matter is reported for</b></p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p><b>prosecution.</b> 22/10/2015 – Replacement door details have been agreed, if no progress made to replace door then the matter will be reported for prosecution. 22/04/2015 – Appeal has been dismissed within compliance period. 16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor. 14/10/2014 – EN with legal, due to be served shortly</p>
19.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	<p><b>08/02/2016 – The Notice has been complied with – NFA.</b> 22/10/2015 – Details have been approved for alternative and assurances have been given that it will be replaced soon - Monitor. 13/07/2015 – Prosecution file to be prepared. 22/04/2015 – Planning application appeal has been dismissed, within compliance period. 16/01/2015 – EN has been served. An appeal has been made. 14/10/2014 – 2 EN's with legal, due to be served shortly</p>
20.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	<p><b>08/02/2016 – the 2 owners were prosecuted and fined £50, £316 costs</b></p>



NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p><b>and £20 surcharge each. The work has also been done – NFA.</b> 22/10/2015 – Assurances have been given that the works will be done before court date of 26/11/2015. 13/07/2015 – Prosecution file being prepared for prosecution. 22/04/2015 – The owner has assured officers that work will be done in the next few weeks. 16/01/2015 – It has been agreed that works will be carried out by the end of March 2015. 14/10/2014 EN served 23/09/14 takes effect 23/10/14 -</p>
21.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	<p><b>08/02/2016 – The EN has been complied with – NFA.</b>22/10/2015 – The property has been sold and new owners have submitted application (15/03128/FUL) for new windows and will replace the roof at the same time as work starts on the windows. 13/07/2015 – EN to be served. 22/04/2015 – 16/01/2015 – The owner is not making sufficient progress to carry out the works required, therefore an EN is being prepared and will be served asap. 14/10/2014 Roof replacement underway 23/07/2014 - Works underway – agreed</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				not to serve EN as committed to resolve the issue.
22.	261, 269 & 271-273 Fulwood Road, S10	Unauthorised replacement windows	17/12/2013	<p><b>08/02/2016 – Prosecution took place on 04/02/2016. The owner did not attend and case was adjourned until 3/03/2016 for the Court to write to him that if he doesn't attend a warrant will be issued.</b></p> <p>22/10/2015 – File with legal for prosecution. 13/07/2015 - Appeal has been dismissed still within compliance period. 16/01/2015 – the appeal has been dismissed on 21/01/2015 - 6 Month compliance period. . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN</p>
23.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	<p><b>08/02/2016 – The conditions application has been approved, a letter to be sent asking for confirmation when the works will be done.</b></p> <p>22/10/2015 - Application has been submitted (15/01608/FUL) pending consideration. 22/04/2015 – The works in relation to the light well has been carried out – a new application to be submitted to</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				vary condition with regards to the landscaping scheme. 16/01/2015 – Work is being carried out to comply with the Notice - Monitor. 22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site.
24.	Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH	Erection of an Unauthorised wall	11/03/2014	<b>08/02/2016 – Condition application has been submitted and is pending consideration (15/01006/COND1) – Monitor.</b> 22/10/2015 – New scheme has been approved (15/01006/FUL) – Scheme not implemented yet – Monitor progress, if no progress made then matter reported for prosecution. 13/07/2015 Still within compliance period (until October 2015) 22/04/2015 – Appeal has been dismissed still within compliance period. 16/01/2015 - Awaiting Planning Inspector decision. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served with 6 month compliance period.

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
21	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/2013	<b>08/02/2016 - Advice from litigation is that as the company is registered in Isle of Man it is outside of the jurisdiction of the Court and prosecution is not possible. A letter to be sent threatening direct action as an alternative to prosecution.</b> 22/04/2015 – Due in Court on the 21/05/2015. 16/01/2015 – Witness statement being prepared for prosecution. 16/06/2014 – Notice has not been complied with, a reminder letter has been sent to the person in control of the property. 14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months.
22	79 Barber Road, S10	Unauthorised front dormer	17/12/2012	<b>08/02/2016 –The existing dormer window has been replaced with on as per planning permission 13/03920/FUL.</b>

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				<p><b>NFA.</b> 22/10/2015 – EN was served on 01/03/2015 needed to be complied by 26/07/2013 the EN has not been complied with and is due in Court on the 5/11/2015.</p>
24	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<p><b>08/02/2016 - Reserve BCN to all directors. 22/04/2015</b> – S330 Notice has not been replied to and the matter to be reported for prosecution for non-compliance of S330 Notice. 16/01/2015 – Letter and S330 Notice has been sent to all Directors. 14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. -</p>
25	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/2012	<p><b>08/02/2016 – the old door is to be put back before end February and a time period is to be agreed for the window.</b> 22/10/2015 – The builder is in the process of getting the window replaced and the old door that was removed is to be put back. 16/01/2015 – A reminder letter to be sent asking to replace the ground floor window and door to fully comply with the Notice. 14/10/14 – 1<sup>st</sup> floor windows have been replaced as agreed. A further 6 month from April agreed before the ground</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				floor windows and door is replaced. 14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.
26	7 Greenfield Drive, S8 7SL	Unauthorised signage on display	26/09/2011	<b>08/02/2016 – To be reported for prosecution.</b> 22/04/2015 – A letter to be sent asking to remove sign within 21 days, if not removed then report for prosecution. 16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent. 14/10/2014 – Letter and S330 notice to be served.
27	Ball Inn, Mansfield Road, S12 2AG	Unauthorised Hoarding	21/06/2010	<b>08/02/2016 - Low priority but DN to be served.</b> 22/04/2015 – S330 Notice has been served awaiting response. 16/01/2015 – Letter and S330 Notice to be served.
29	Norfolk Arms Public House, Ringinglow Village, S11 7TS	Unauthorised fume extraction and Lighting Columns.	19/05/2008 & 21/09/2009	<b>08/02/2016 – A joint site visit to be carried out with Planning and enforcement officer to assess current</b>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				<p><b>situation before prosecution file is prepared.</b> 22/10/2015 – Final warning letter to be sent before file passed to litigation. 13/07/2015 – New photographs to be taken and then statement to be done for prosecution. 14/10/2014 –Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared.</p>

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