



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee, or under delegated powers in the City Centre and East Area.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City Centre and East Area.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN CITY CENTRE & EAST AREA

Report abbreviations

PP	Planning Permission	EN	Enforcement Notice
PD	Permitted Development	PCN	Planning Contravention Notice
BCN	Breach of Condition Notice	S330	Notice under Section 330 of the Act requiring details of interest in land
S215	Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood.	S225	Notice under section 225 of the Act requiring removal of illegally displayed placards or posters
TSN	Temporary Stop Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY	CURRENT SITUATION
1.	43 Moorthorpe Rise, S20	Encroachment of garden into buffer strip	22/12/2015	08/02/2016 – EN has been served on 20/01/2016 and took effect on the 20/01/2016 and needs to be complied with by 22/04/2016.
2.	86 Jenkin Avenue, S9	Untidy and overgrown garden	12/10/2015	08/02/2016 – S215 Notice has been served 12/10/2015 and has not been complied with – Direct action to be taken in conjunction with Private Sector Housing.

3.	Former South Yorkshire Police Station, Rotherham Road North, S20	Erection of a fence	19/01/2016	08/02/2016 – land Registry search being carried out before EN is served.
4.	261 Staniforth Road, S9	Erection of Marque	BCN authorised 19/10/2015 and EN authorised on 01/12/2015	08/02/2016 – EN has been served on 22/12/2015 and took effect on 26/01/2016 compliance by 17/05/2016. BCN has been served on 27/10/2015 and took effect on 27/10/2015 and should have been complied with by 08/12/2015 – the occupier has been in discussions with the officers an action plan to be submitted on how and when work will be carried out to comply with BCN and EN.
5.	34 Leebrook Avenue, S20	Encroachment of garden into green belt	20/10/2015	08/02/2016 – EN has been served on the 17/11/2015, took effect on the 21/12/2015 with a compliance period of 28 days. Most of the work has started to comply with Notice – Monitor.
6.	2A Woodhouse Road, S12	Signs	18/08/2015	08/02/2015 – Owner has been prosecuted – 6 month conditional discharge – letter has been sent to remove the signage work still has not been done a 2nd prosecution being prepared. 20/10/2015 – The signs have not been removed, statements have been done and file is with litigation.
7.	138 West Street, S1	Fascia signs	29/09/2015	08/02/2015 – the signage has not been removed within the time period given, a prosecution file being prepared. 20/10/2015 – Letter has been sent asking to remove sign.

8.	55 Bawtry Road S9	External wall insulation	24/06/2014	08/02/2016 – An extension of time has been given to resolve the issue until 01/02/2016, No work has been done – chasing progress, if no progress then that matter will be reported for prosecution. 20/10/2015 – Within compliance period. 08/07/2015 - An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
9.	24 Dundas Road, S9	External wall insulation	24/06/2014	08/02/2015 – The EN has not been complied reminder letter to be sent. 20/10/2015 – Within compliance period. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
10.	38 Hatherley Road S9	External wall insulation	24/06/2014	08/02/2016 – Work has been carried out to make the development PD – NFA 20/10/2015 – Work underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.
11.	40 Hatherley Road, S9	External wall insulation	24/06/2014	08/02/2016 – Work has been carried out to make the development PD – NFA 20/10/2015 – Works underway to comply with EN. 08/07/2015 – An EN has been served on 25/06/2015 comes into effect on 27/07/2015 unless appeal is made and needs to be complied by 27/11/2015.

12.	1 Blackmore Street, S4	Re-roofing of a listed building	16/06/2015	08/02/2016 – Appeal is being considered by the Planning Inspectorate. 20/10/2015 – EN has been served and an appeal has been made. 08/07/2015 – Details have been sent to legal and admin to serve an EN
13.	751 Attercliffe Road, S9 3RF	Untidy property	31/03/2015	08/02/2016 - Notice has not been complied with – quotes to be obtained for works in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (01/05/2015).
14.	8 Delves Place, S12 2AG	Untidy Land	25/03/2015	08/02/2016 – Legal advice is that it is not in the public interest to prosecute given that the work has been carried out under direct action. A land charge has also been put on the property so that the money can be recovered when the property is sold - NFA. 20/10/2015 – Direct action has been carried out to comply with the Notice. A prosecution file has also been prepared and sent to legal. 08/07/2015 – Some work has been done but not enough to comply with Notice – Costs to be obtained for works to be carried out in default. 20/04/2015 – A S215 Notice has been served, still within compliance period (27/04/2015).

15.	20 Dovercourt Road, S2 1UA	Untidy front and rear garden	20/11/2014	08/02/2016 – Letter has been sent asking to comply with Notice – work has not been carried out 2nd prosecution file being prepared. 20/10/2015 – Successful prosecution conditional discharge £100 costs and £15 surcharge. A letter has been sent asking to comply with Notice within 28 days from 19/10/2015. 08/07/2015 – Witness statements have been done and sent to litigation. 20/04/2015 – The Notice has not been complied a prosecution file is being prepared. 19/01/2015 – A S215 Notice has been served and needs to be complied with by 14/12/2014. A reminder letter to be sent.
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16.	33 Pavilion Way, S5 6ED	Unauthorised single storey side and rear extension	09/12/2014	<p>08/02/2016 – Serious defects with extension have made it impossible to comply with building regulations, therefore PP cannot be implemented. Alternative extension now PD and has building regulation approval. The existing extension to be demolished in the next few weeks. 20/10/2015 – Work has not started yet reminder letter to be sent. 08/07/2015 – Appeal against the planning application has been allowed conditionally – Condition requires plastic to be replaced by brickwork within 6 months – Deadline 16/10/2015 - Monitor 20/04/2015 – The planning application was refused on 17/03/2015 and an appeal has been lodged on the 01/04/2015. 19/01/2015 – Application (15/00183/FUL) has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system.</p>
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17.	11 Advertisement Hoardings in Wincobank Area	Unauthorised Advertisement Hoardings	22/04/14	<p>08/02/2016 – 10 appeals have been won by the Council and lost 1. 10 Hoardings have now been removed. However, some of the sites have support posts and electric supply box which have not been removed. A further letter has been sent asking to remove these items – Monitor. 20/10/2015 – Awaiting outcome of appeals. 20/04/2015 – Appeals have been lodged against all 11 DN's statements being done. 16/01/2015 – DN have been served on 09/12/2014 and come into effect on the 03/02/2015. 09/10/14 – Discontinuance Notice (DN) being prepared by Legal Services for 8 Hoardings – no response has been received regarding S330 Notice for 3 of the hoardings – the non-return of S330 will be reported for prosecution. 08/07/14 - A letter and S330 Notice to be sent.</p>
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18.	42 Dundas Road, Tinsley, S9 1SY	Unauthorised external flue	15/10/13	<p>08/02/2016 – Awaiting Police to execute the warrant. A letter has gone to the Police by the City Solicitor requesting that the outstanding warrant is pursued.</p> <p>20/10/2015 – The owner did not attend court again and a warrant has been issued for owner’s arrest. 08/07/2015 – The owner did not attend Court the case was adjourned to 13/08/2015. 20/05/2015 – Due in Court on the 21/05/2015.</p> <p>16/01/2015 – legal to be instructed to prosecute and witness statement to be done. 09/10/14 – The flue has been removed the external fan still needs to be removed. A reminder letter to be sent. 08/07/04/14 – letter sent warning legal action to be taken unless EN complied with. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.</p>
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19.	35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House)	Unauthorised formation of self contained flats at first floor level	04/02/13 (for BCN 24/09/2015)	<p>08/02/2016 – Condition discharge (13/00207/COND1) application is Invalid chasing outstanding information.</p> <p>20/10/2015 – BCN has been served on 24/09/2015 and a condition discharge application (13/00207/COND1) has been submitted which is pending consideration.</p> <p>08/07/2015 – BCN is to be served in the next few days. 16/01/2015 – Reminder letter has been sent and no details received. A BCN to be served. 09/10/14 – Two outstanding issues reminder letter to be sent. 08/07/14 – Most of the issues have been resolved. Joint visit between Private Sector Housing and Planning to check remaining few issues. 07/04/14 – A BCN to be prepared and served. 09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions. 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.</p>
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20.	484 Staniforth Road, Darnall, S9 3FW	Unauthorised roof extension	25/01/2010	<p>08/02/2016 – prosecution file with litigation waiting for court date.</p> <p>20/10/2015 – 2nd prosecution statements being done. 20/04/2015 – No response received from the owners after the reminder letter had been sent the matter will now be reported to litigation for prosecution. 16/01/2015 – A reminder letter has been sent to the owner to establish if he has enough funds to start works to comply with Notice. 08/07/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, the lending bank (mortgage) contacted but not able to assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 29/10/12 – The owner has said that he cannot afford to carry out the works required in EN. Meeting has been arranged with owner to discuss a plan of action. 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving 2 months to comply with EN or 2nd prosecution will begin. Work not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11- Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p>
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