



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 North Area.

Reasons for Recommendations:

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

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH 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 / 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.	Niagara Grounds, Niagara Road, S6	Breach of condition 3 & 4 relating to the removal of the marquee and the reinstatement of grass	26/11/2015	09/02/2016 – A BCN has been served on the 26/11/2015 and has not been complied with. The marquee has been removed but grass not reinstated. A letter to be sent reminding to comply with condition 4.
2.	2A Stanley Road, S35	Unauthorised container	10/11/2015	09/02/2016 – EN has been served

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				02/12/2015 took effect in 06/01/2016 and needs compliance by 30/03/2016.
3.	5 Carlisle Street East, S4	Breach of Condition relating to disable ramp regarding planning permission 11/01969/CHU.	07/05/2015	09/02/2016 – BCN has been served and an application 15/01844/NMA has been submitted to amend the original planning permission – pending consideration.
4.	1 Priory Road, Ecclesfield, S35	Non illuminated Fascia sign at front of building	28/06/2015	09/02/2016 – An application for alternative signage has been granted and the signage has been changed- NFA 26/10/2015 – Prosecution statement has been done and file has been passed to legal.
5.	51-53 Malinda Street, S3	Unauthorised part demolition of Listed Building	24/04/2015	09/02/2016 – The new owners are working proactively to resolve the issue. No further works has been carried out in site – NFA. 26/10/2015 – The owner was prosecuted for unauthorised works to a listed building and was subsequently fined £2,300, costs £150

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				and Surcharge £230 TSN was also served which was complied with. The property has been sold and new owners are working with the Council to resolve the unacceptable works.
6.	Apartments 1-19 The Hub, 2 Bedford Street / Cross Bedford Street	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.	09/11/2012	09/02/2016 – Further details have been submitted by developer 26/10/2015 – Discussions taking place between developer and Planning Officer to comply with Conditions. BCN served on 4 th July 2015.
7.	110 Bolsover Road, S5	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	09/02/2016 – Difficulties in identifying the owners address details so that a summons can be served – further investigations being carried out. 26/10/2015 – File with legal awaiting court date. 09/07/15 - Legal proceedings being prepared & should be underway by next update – for failure to comply with BCN. BCN served 29/1/15.
8.	523 Loxley Road, S6	Unauthorised Car Port erected	09/12/14	09/02/2016- Planning Inspector site visit

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		at rear of house, which includes a balcony roof.		was carried out in November 2015 awaiting decision. 26/10/2015 – Awaiting outcome of appeal. Appeal lodged against EN, process underway. EN served 19/2/15. It requires removal of canopy & balcony by 15/5/15.
9.	209 Stannington Road, S6	Unauthorised Front Extension to House	09/12/14	09/02/2016 – 6 month conditional discharge given in Court. A letter to be sent asking to comply with EN. 26/10/2015 – 1 st hearing on the 26/11/2015. 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.
10.	Land, Rear of Former Middlewood Tavern, Middlewood Road North	Unauthorised Excavation Works.	09/12/14	09/02/2016 - Planning application (15/03455/FUL) has been submitted. Pending consideration.
11.	Oak Lodge Farm, Thompson Hill, S35	Unauthorised siting of 2 caravans and 4 metal	01/04/14	09/02/2016 – Letter has been sent to previous owner of property asking to

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		containers		<p>confirm when the use began. 26/10/2015 – The residential caravan has been on site for over 4 years, no further action can be taken against it. Advice from legal is that 'The breach of planning control here is the unauthorised change of use of the land from agricultural to residential' Therefore we have 10 years to take enforcement action. Because of a lack of satisfactory evidence to show what structures/caravans or otherwise - have permanently been sited on the land throughout the last 10 years or more - makes it impractical to pursue this matter further. However, 3 unauthorised containers and a 2nd caravan has been removed from the land following the serving of the EN therefore it is recommended for NFA. 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</p>

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				<p>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 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>

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12.	492 Barnsley Road	Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission	11/03/2014	<p>09/02/2016 – The flue has been relocated to an acceptable location. However, the use and the flue still need to be regularised. Reminder letter to be sent to validate the application.</p> <p>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.</p>
13.	Aldi, 82 The Common, S35	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	16/01/2014 (delegated)	<p>09/02/2016 – Part of the landscaping has been carried out – if no further progress made then the matter will be reported for prosecution. 26/10/2015 – The matter to be reported for prosecution.</p> <p>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</p>

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		concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management		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
14.	Lion Works, Handley Street, S4	Derelict listed building causing visual harm to both the area and the building itself.	04/10/2013 (delegated)	09/02/2016 – All has been completed - NFA. 26/10/2015 - Phase 2 works started and are almost completed. 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.

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15.	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	19/4/2011	<p>09/02/2016 – Application for signage (16/00262/ADV), condition discharge application (11/01912/COND1) and variation of condition application (16/00271/FUL) have been submitted pending consideration. 26/10/2015 – Reminder letter to be sent if no response BCN to be served. 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 same. 31/7/12. Discharge of conditions application being prepared for this PP.</p>

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				<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 (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>
16.	Youth Club Building, Burgoyne Road, S6	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/01/2011	<p>09/02/2016 – Briefing notes being prepared by legal on what action to be taken. 26/10/2015 - 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</p>

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				to be considered.
17.	Parker's Yard, Stannington Road, S6	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/06/2010	<p>09/02/2016 – new application (14/02426/CHU) 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.</p>

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				<p>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 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</p>

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18.	Dial House Club, Far Lane/Ben Lane, S6	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.	15/12/2009 (delegated authority)	dismissed. 09/02/2016 – Conditions applications have been determined site visit to be done to check if work has been carried out in accordance with what has been approved. 26/10/2015 – In discussions with Planning Officer to Resolve issues regarding bowling green. 26/09/2015 - Applications under consideration, decision pending. Discharge of Conditions applications, 13/00599/COND & 13/00606/COND 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 & 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

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				29/3/10.

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