

UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 31 January 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
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

(Strikethrough = closed cases awaiting board OK for removal)

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Meersbrook Garage 1-7 Meersbrook Road, Sheffield S8 9HU	Unauthorised Alterations to a car showroom and the erection of a 1.8 metre high wall	13/06/2011	1/02/13 – Appeal Lodged 7/1/13- Enforcement Notice served after most recent application/appeal refused. 6 Months to comply.
2.	2 Albany Road, Sheffield, S7 1DP	Unauthorised replacement of windows	15/10/12	25/01/2013 Appeal lodged against Enforcement Notice. 4/12/12 – Enforcement Notice served.
3.	29 Ratcliffe Road	Unauthorised Rear Extension and Breach of	5/11/12	13/02/13 – Contact made with owner/agent who is seeking to amend

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		condition of front dormer window		to make acceptable. 5/11/12 – Authority obtained to secure the removal of the unauthorised extension and remedy the Breach of Control.
4.	32 Crescent Road	Unauthorised Lightwell safety railings	15/10/12	11.02.2013 – Appeal Allowed, therefore no notice to be served. NFA 04.01.2013 – Appeal lodged against refusal. 15/10/12 – Authority obtained to secure the removal of the unauthorised lightwell railings.
5.	33 Albany Road, S7	Unauthorised UPVC Windows and Dormer Casing	13/08/12	13-12-12 Site visit confirmed window and dormer casing painted as specified. NFA. 12/11/12 – Following discussions with the Conservation Officer and Negotiations with the new owners of the property, it has been agreed that specialist oil based primer/paint can be applied to the window and dormer casing and it will be acceptable. These works to be carried out within the appeal period, site to be monitored. 12/10/12 – Enforcement Notice served. 13/08/12 – Authority obtained to take all steps necessary to secure the removal of the unauthorised windows and dormer

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				casing.
6.	253 Fulwood Road, Broomhill, S10 3BD	Unauthorised advertisement sign	03/09/12	25/01/13 – Prosecution file has been prepared and passed to litigation. 06/11/12 – letter has been sent asking to remove unauthorised signs. Signs have not been removed. Discussions have taken place between occupier and planning officer for more acceptable signage at this location.
7.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	25/01/13 – EN has been served (21/09/12) and took effect on 21/09/12 – 9 month compliance period.
8.	1 Albany Road, Nether Edge, S7 1DN	Unauthorised replacement of roof tiles within an Article 4 area	03/09/12	25/01/13- EN has been served (12/12/12) and has been appealed against. 06/11/12 – EN being prepared
9.	280 Ecclesall Road	(a) 6m x 3m advertisement hoarding (b) 5m x 1m Claypenny Premium Student Housing Advert	02/07/2012	Advert (a) Appeal against refused advert application dismissed 5/12/12. Letter to owner urging the removal of hoarding to avoid lengthy process & associated costs of DN & new DN appeal covering same ground already discussed in the appeal against refusal of 12/01431/ADV. Express consent refused 31/7/12, ref

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				<p>12/01431/ADV, (submitted 2/7/12). DN being prepared to secure removal, (DN necessary as it benefits from 'deemed consent').</p> <p>Advert Advert (b) Appeal lodged against DN 15/1/13. Discontinuance Notice served 31/10/12 Date to be complied with 24/01/13.S330 sent 1/8/12 to establish details in preparation for DN</p>
10	298A Ecclesall Road	2.5m x 1.2m (approx) Salis for Student Accommodation advert	19/03/2012	<p>31/10/12 – Appeal dismissed 7/1/13, DN now in force & removal of advert required by 4/3/13, (8 wks). 30/07/2012 DN served 18/4/12, requires removal of advert in 8 weeks. Appeal lodged and awaiting outcome.</p>
11	357 Glossop Road, Hanover Conservation Area	Illuminated 48 sheet advertisement site on flank wall of shop.	27/2/12	<p>1/11/12 – Appeal lodged against DN still running at 24/1/13. 17/7/12 DN served, comes into effect 17/9/12 & requires removal of the advert in 4 weeks, (by 15/10/12) 18/04/2012 – Discontinuance</p>

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				Notice served, date for compliance 11/07/2012. Letter & s330 notice sent to Primesight (advert company) & to owner of building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present display.
12	337A Glossop Road, Hanover Conservation Area	MAF Properties advert displayed on flank wall of 1 st floor flat above Trends Wig shop, (no.337).	27/2/12	Appeal dismissed 10/12/12, DN now in force & removal of advert required by 18/2/13, (8wks). 17/07/2012 Appeal lodged against DN - awaiting outcome. 18/04/2012 – Discontinuance Notice served, date for compliance 11/07/2012. Letter & S330 sent to owner of the advert and to owner of the host building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present MAF display.
13	6 Rosamond Place	Unauthorised Rear Extension	16/01/2012	12/02/13 – Site being closely monitored to ensure that works taking place are in line with those approved by application 12/03171/FUL. 09/11/12 -The prosecution file is being prepared, However a new

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				<p>planning application has since been received No. 12/03171/FUL. 23/08/12 – Inspectors decision, dismisses the appeal and upholds the refusal decision. Letter sent to the owner reminding him of the need to comply with the enforcement notice. No contact from the owner.</p> <p>09/05/2012 – EN served to remove unauthorised element of extensions to property. Planning appeal still ongoing. 13.04.2012 Paperwork being prepared to serve notice. 10/04/2012 – Application 11/03971/FUL refused with Enforcement Action authorised. Temporary Stop Notice still in force that was served 23rd December 2011.</p>
15	196 Whitham Road, Broomhill Conservation Area	Display of unauthorised advertisement	19/12/2011	<p>6 Months conditional discharge ends 18/1/13. Speaking to litigation at 23/1/13 about getting the case back into court. 18/07/2012 – Case in Court, Held unlawful sign, Conditional discharge 6 months No costs. 02/04/2012 – Paperwork being prepared for prosecution. 19/12/2011 – Authority granted to instigate legal</p>

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				proceedings to secure the removal of the unauthorised sign.
16	32 Ryegate Road	Non payment of planning obligation monies £ 9,918 in respect of 05/03455/FUL		13/02/13 – Payment received and being processed. 14/11/12 Officers discussing case with litigation.04/07/2012 File being prepared for litigation.19/1/2012 –Officers checking up to date ownership detail son advice from litigation. 24/10/11 - Officers assisting Central Debt Recovery Team with chasing of payment. Ownership information needs updating.
17	7 Greenfield Drive	Unauthorised signage on display	26/09/11	12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the

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				removal of the unauthorised sign.
18	Yummy Hut, 647 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p>12/02/13 – Site being monitored to gain new evidence of further breaches of planning control 31/10/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN. 3/07/2012 – Meetings to be held with Litigation in light of the prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take. 02/04/2012 – Paperwork being prepared for prosecution. 09/01/2012 – Visiting and gathering evidence for prosecution. 13/10/11 – Night visit taken place and can confirm non-compliance with BCN. Land Ownership details on request. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be</p>

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				undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN served by Recorded Delivery.
19	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/11	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. 06/11/12 – File with litigation. 26/07/12 – 2 nd part of EN not been complied with either a prosecution file has been prepared and is with litigation. 02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1 st compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect. 22/03/11 – An Enforcement Notice is being prepared.
20	Land at 141 Denmark	Non payment of planning	20/12/2010	12/02/13 – File with litigation, awaiting a

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	Road	obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development is complete with most of the units occupied		<p>court date. 14/11/12 – A new updated case file has been passed to litigation.03/07/2012 – Awaiting Court date.19/01/12 – Prosecution file now with litigation. 24/10/11 – Following a number of failed agreements with owners, final warning now given with a view to prosecution. 11/07/11 – Central Debt Recovery Team securing payment agreement 22/03/11 - Developers in process of agreeing payment plan. 26/01/11 Developer Midcity Estates Ltd. Central debt recovery team doing final chasing of money. Prosecution file otherwise ready.</p>
21	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<p>12/02/13 – Notices being prepared, aiming to be served by end of February 14/11/12 – No action on this case as priority has had to be given to other work. 25/07/2012 DN to be served within next 14 days.18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate</p>

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				<p>notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>
22	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p>12/02/13 – Site being monitored to gain new evidence of further breaches of planning control. 14/11/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN. 03/07/2012 – Meetings to be held with Litigation in light of the prosecutions and fines at the Broomhill</p>

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				<p>takeaways, as to best course of action for us to take 02/04/2012 – Paperwork being prepared for prosecution. 17/01/2012 – Visiting and Gathering Evidence for prosecution. 12/10/11 – A further night visit is required to confirm non-compliance with BCN. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN hand delivered. Variation of condition (opening hours) planning application refused 25/01/2010.</p>
23	Pizza Padrino, 267 Fulwood Road, Broomhill	Non compliance with approved hours (94/01539/FUL)	02/06/2010	23/1/13 – Site being monitored, to gain evidence for further breaches of planning control. Licensing are

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	Conservation Area			<p>currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution awaiting court date 17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – Breach of Condition Notice and Temporary Stop Notice served. Regular monitoring taking place with a view to prosecution for</p>

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				any further breaches.
24	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<p>13/01/13 – Site being monitored, to gain evidence for further breaches of planning control. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon.. 19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date.17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution.10/10/11 – Enforcement Notice issued. Takes effect 14th November and requires compliance with planning permission by 14th December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against</p>

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				refusal of planning permission to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing
25	10 Birkendale, Birkendale Conservation Area	Non-compliance with condition 4 – Use of the barn being incidental to main dwelling	22/02/2010	22-11-12 Inspector dismissed the appeal and the site visit in presence of the Inspector confirmed the barn is now being occupied by the owner's Mother. Therefore the Enforcement Notice instructions are fully complied with. NFA 14/11/12 – Inspectors site visit took place 1/11/12 – decision expected between 5 to 7 weeks. 10/07/2012 – Enforcement Notice served on Owner with instruction to fully comply with Condition 4 of 06/03253/FUL within next 12 weeks. 17/04/2012 – Application refused, site to be monitored to see if let and if so then Enforcement Notice to be prepared and served at that time. 19/01/2012 – Application to be reported to City Centre,

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				<p>South & East Planning and Highways Area Committee – 6/2/2012. 24/10/11 Application still being considered. Will be reported to Committee for determination. 07/09/11 – Application to remove Condition 4[Barn remaining ancillary to the main dwelling and not been sold or let as a separate dwelling) imposed by 06/03253/FUL] (Alterations to existing barn to form ancillary living accommodation), validated on 23rd August, with a determination date set for 19th October 2011. Court hearing that had been set for 19th October to be withdrawn awaiting outcome of above determination. 05/07/11 – Court Hearing further adjourned until 24th August to allow submission, assessment and decision on further application. Invalid application received for amendment to condition 16/05/11 Court Hearing adjourned until 21st June to allow owner to provide further information. 28/02/11 Progress report submitted to Committee. Authority given to take all appropriate action including prosecution to ensure compliance. Litigation have</p>

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				instigated prosecution proceedings – court date set for 16 th May. 11/01/2011 Meeting with Litigation after statements taken off complainants. Advised follow up statements needed from complainants and owner to ascertain current position. 20/09/10 As of today awaiting responses from applicant and complainants for formal interview and witness statements, as requested by Litigation. 30/06/2010 – Compliance period expired instructions being prepared for possible prosecution. BCN served 25/02/2010. Owner given until 30/06/2010 to comply. Property to be re-visited at this time
26	6 Broomhall Road, Broomhall Conservation Area	Unauthorised UPVC windows in Conservation Area	15/12/2009	13-12-12 Site visit confirmed all front windows fitted in wooden sash frames and side windows fitted in UPVC as approved in application NFA 14/11/12 – Site still being monitored. 12/12/2011 – Site to be monitored and case closed when compliance noted (deadline 18th July 2014) 07/09/11 – Application to replace windows conditionally approved on 18th July 2011

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				<p>and owner has been asked to submit date when work will be completed. 21/06/11 - Application submitted 26th April 2011 for replacement front wooden sash windows and retention of pvc ones to side of property....11/01409/FUL 24/03/11 Notice served with a 3 month compliance period to replace unauthorised windows 05/01/11 Unauthorised windows still not replaced. Owner advised Notice to be served by Mid February. 20/09/10 Enforcement Notice held back. Further discussions taking place. Owner has requested more time to fit new windows. Officers monitoring. Notice prepared ready to serve. 01/06/10 – Background checks taking place with a view to issuing instructions to serve the Enforcement Notice by end of July</p>
27	202 Chippinghouse Road, Nether Edge Conservation Area	Unauthorised UPVC windows in Article 4 area	29/06/2009	<p>25/01/13 – Contract between the owner and window company has been signed and the windows are being manufactured . 03/07/12 – no work has started on site, however a window company has been in discussions with</p>

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				<p>officer in submitting plans for replacement windows. 02/04/12 – Fined £100 + £25 costs and £5 surcharge. Reminder letter sent asking to comply with the notice within 12 weeks or the matter will be reported for 2nd prosecution. 23/01/2012 – Court date received 29/02/12. 14/10/11 – prosecution file with litigation. 15/06/11 - Meeting has taken place with owner and joiner to discuss replacement windows. 22/03/11 – Section 106 agreement has been signed for phased window replacement – First window to be replaced before end of June 2011. 21/01/11 – Due to financial circumstances the owner cannot replace all the windows. However the owner is prepared to sign a S106 agreement to replace the windows within an agreed timescale. 21/09/10 – letter sent asking to sign a S106 agreement no response prosecution file being prepared. 18/05/2010 – Windows not replaced. Quotes obtained, but too costly for direct action. Owner wanting extra time to carry out works themselves. Legal services preparing a Section 106 agreement to</p>

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				allow for extension of time to allow owner to get finances in place to comply.18/02/2010 – Appeal Dismissed. Owner to replace windows by the 13/05/2010. 06/11/2009 Appeal received – ongoing 29/09/2009 EN served to secure removal of unauthorised windows.
28	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at the property and the possible re-instigation of an historic enforcement notice. 31/10/12 - Spoke to the agents working on the owners behalf awaiting new applications. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners architects. Agreed several options for taking the site forward. It was agreed for architects to go back to the owners to see how they want to proceed.20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012

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				<p>to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation and other legal teams by mid- Feb 2012. 12/10/11 - PCN'S served and recipients interviewed 9/8/11. Site visited 11/10/11, case meeting to be arranged, to discuss all aspects of the site. 05/07/11 - After discussions with Legal Services and other Council departments it has been decided to serve all interested parties with Planning Contravention Notices with regard to a range of activities on the site. Notices being prepared and expect to be served within the next 14 days.</p> <p>28/03/11 Decision still not made, however Officers anticipate determination within next six weeks. 10/01/11 Application Decision still not made. Negotiations on-going. 23/09/10 Decision on Planning application imminent. Decision, when made will determine enforcement situation. 20/06/2010 Application still pending, awaiting decision on a legal agreement being drawn up.</p>

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				21/01/09 Application still pending 05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.
29	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p>12/02/13 – Discussions taking place with owners regarding replacement lighting to car park and the installation of a new extraction system. Site to be monitored for compliance with notice.</p> <p>5/11/12 – Inspectors decision, appeal dismissed and the owner now has 16 weeks to remove the unauthorised lighting columns.1/11/12 Appeal site visit arranged. Also spoken to owner about the fume extraction system and expecting a new planning application within the next month.</p> <p>15/06/2012 – Appeal ongoing statement submitted.8/6/2012 Appeal received from one of the parties served in connection with the lighting columns.18/04/2012 – Listed Building Notice and Enforcement Notice served on all parties with an</p>

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				<p>interest. Both notices give 4 months to carry out required works – these include removing the unauthorised lighting columns and also the extraction flue.</p> <p>11/01/2012 –Reviewed PCN information with legal team and agreed that as no changes have taken place in the ownership (as per land Registry records) Listed Building Enforcement Notice and Enforcement Notice can now be served. Anticipate this being carried out Mid Feb 2012.</p> <p>21/10/11 – PCN's served and recipients invited for interview 6/9/11. Ongoing issues with regard to alleged ownership changes. Meeting with litigation 5/10/11 – Listed Building Enforcement Notice and Enforcement Notice to be served on The Company Secretary within the next 14 days.</p> <p>13/06/11 - Authority to take Enforcement Action granted by Committee. Work still to be completed for new EN's. Expect to be served by end of August.</p> <p>28/03/11 Case meeting held with Litigation Due to change in ownership new Enforcement Notice needs to be served.</p> <p>24/01/11 Visits confirmed no progress on</p>

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				<p>site. Case meeting needed to progress 20/09/10 Change of ownership meeting held with new owners to negotiate acceptable alterations 22/06/2010 – Meeting held, new details submitted and planning application to be submitted within the next 28 days. Signs to car park erected on site as approved. 16/04/10 – New BCN served on new owners and company secretary awaiting compliance 1/01/2009 New BCN needed to be served on Company secretary of the Management company now involved, also waiting for updated land registry details. 16/06/09 Application for remaining landscaping approved. Outstanding issues with noise now with EPS.</p> <p>21/01/09 Awning removed, some engineering works granted permission others pending decision on application. Breach of condition investigations still progressing 25/09/08 – Appeal statement submitted to Planning Inspectorate 24/07/08 – Draft Section 106 agreement sent to agents involved to agree an extension to the time allowed for the</p>

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				awning to be removed. 23/07/08 – Appeal submitted to Planning Inspectorate. 22/07/08 – Three applications received covering other unauthorised works under consideration. 11/07/08 – Meeting held with owner and agent. 19/06/08 – Listed Building Enforcement Notice Served with regard to the unauthorised awning. Enforcement Notice served with regard to unauthorised engineering works to land at the rear and side of the public house. 08/05/08 – BCN served regards the non-compliance conditions 2(in part),4 & 5

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