

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

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	6 Rosamond Place (See Also item 18)	Breach of Condition 2 – Landscaping.	20/02/13	15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.
2.	Telephone Box outside 315-319 Ecclesall Road,	Unauthorised combined automated teller machine (ATM) and payphone kiosk	5/02/13	15/02/13 – Structure removed NFA. 5/2/13 – 12/03838/FUL refused with Enf Authority given to secure removal.

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	S118NX			
3.	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will lead to the matter being passed on to litigation for a prosecution.15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.
4.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
5.	8 Chandos Street, Broomhill, S10 2PP	Unauthorised removal of chimney stack	25/02/13	15/04/13 – EN has been drafted and is with Legal and Admin.
6.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.

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7.	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	15/04/2013 – Public Hearing date set for 10 th July 2013. 1/02/13 – Appeal Lodged 7/1/13- Enforcement Notice served after most recent application/appeal refused. 6 Months to comply.
8.	2 Albany Road, Sheffield, S7 1DP	Unauthorised replacement of windows	15/10/12	15/04/13 – Appeal being considered by Planning Inspectorate. 25/01/2013 Appeal lodged against Enforcement Notice. 4/12/12 – Enforcement Notice served.
9.	29 Ratcliffe Road	Unauthorised Rear Extension and Breach of condition of front dormer window	5/11/12	5/4/2013 Appeal Received. 18/02/2013 EN served 13/02/13 – Contact made with owner/agent who is seeking to amend to make acceptable. 5/11/12 – Authority obtained to secure the removal of the unauthorised extension and remedy the Breach of Control.
10.	32 Crescent Road	Unauthorised Lightwell safety railings	15/10/12	11.02.2013 – Appeal Allowed, therefore no notice to be served. NFA – Appeal lodged against refusal. 15/10/12 – Authority obtained to secure the removal of the unauthorised lightwell railings. 04.01.2013
11.	253 Fulwood Road, Broomhill, S10 3BD	Unauthorised advertisement sign	03/09/12	15/04/13 – Prosecution file has been prepared and passed to litigation. 06/11/12 – letter has been sent asking to

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				remove unauthorised signs. Signs have not been removed. Discussions have taken place between occupier and planning officer for more acceptable signage at this location.
12.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	15/04/13 – EN has been served (21/09/12) and took effect on 21/09/12 – 9 month compliance period.
13.	1 Albany Road, Nether Edge, S7 1DN	Unauthorised replacement of roof tiles within an Article 4 area	03/09/12	15/04/13- Appeal being considered by Planning Inspectorate. 25/01/13- EN has been served (12/12/12) and has been appealed against. 06/11/12 – EN being prepared
14.	280 Ecclesall Road	(a) 6m x 3m advertisement hoarding (b) 5m x 1m Claypenny Premium Student Housing Advert	02/07/2012	Advert (a) 15/04/2013 No response to letter sent 5/3/13, therefore details forwarded to Legal department for preparation of DN. 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</p> <p>Advert (b) 15/04/2013 – Awaiting outcome of appeal.</p> <p>Appeal lodged against DN 15/1/13.</p> <p>Discontinuance Notice served 31/10/12</p> <p>Date to be complied with 24/01/13.S330 sent 1/8/12 to establish details in preparation for DN</p>
15	298A Ecclesall Road	2.5m x 1.2m (approx) Salis for Student Accommodation advert	19/03/2012	<p>04/03/2013 – DN complied with and illegal advertisement removed. NFA</p> <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>
16	357 Glossop Road, Hanover	Illuminated 48 sheet advertisement site on flank	27/2/12	<p>15/04/2013 – Awaiting outcome of appeal. 1/11/12 – Appeal lodged against</p>

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	Conservation Area	wall of shop.		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 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.
17	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	15/04/2013 - DN complied with , illegal advertisement removed. NFA 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

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				display.
18	6 Rosamond Place (See also item1)	Unauthorised Rear Extension	16/01/2012	<p>16/04/2013 – Works ongoing on site.</p> <p>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 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>
19	196 Whitham Road,	Display of unauthorised	19/12/2011	15/04/2013 – Illegal advertisement still in

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	Broomhill Conservation Area	advertisement		place, waiting date for a second prosecution. 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 proceedings to secure the removal of the unauthorised sign.
20	32 Ryegate Road	Non payment of planning obligation monies £ 9,918 in respect of 05/03455/FUL		16/04/2013 –Payment cleared, therefore NFA. 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.
21	7 Greenfield Drive	Unauthorised signage on	26/09/11	16/04/2013 Other work taken priority, so

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		display		<p>not progressed. 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 removal of the unauthorised sign.</p>
22	Yummy Hut, 647 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p>16/04/2013 – 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</p>

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				<p>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 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.</p>
23	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	<p>15/04/13 – 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</p>

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				<p>notice. 06/11/12 – File with litigation. 26/07/12 – 2nd 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 – 1st 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.</p>
24	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development is complete with most of the units occupied	20/12/2010	<p>16/04/2013 – Awaiting a court date. 12/02/13 – File with litigation, awaiting a 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</p>

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				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.
25	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<p>15/04/2013 – No work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February 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 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</p>

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				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.
26	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p>16/04/13 – 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 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</p>

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				<p>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.</p> <p>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>
27	Pizza Padrino, 267 Fulwood Road, Broomhill Conservation Area	Non compliance with approved hours (94/01539/FUL)	02/06/2010	<p>16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – 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. 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</p>

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				<p>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 any further breaches.</p>
28	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<p>16/04/2013 – Awaiting a court date for licensing prosecution. 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,</p>

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				<p>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 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</p>

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				conjunction with Licensing
29	202 Chippinghouse Road, Nether Edge Conservation Area	Unauthorised UPVC windows in Article 4 area	29/06/2009	<p>15/04/13 – Work has been completed as required. - NFA 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 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</p>

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				<p>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.</p> <p>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 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</p> <p>29/09/2009 EN served to secure removal of unauthorised windows.</p>
30	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p>16/04/2013 – In the process of setting up a case meeting with legal department. 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</p>

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				<p>an historic enforcement notice.31/10/12 - Spoke to the agents working on the owners behalf awaiting new applications.</p> <p>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 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</p>

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				<p>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> <p>21/01/09 Application still pending</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>
31	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p>16/04/2013 – Awaiting new applications, lighting columns still in place. 12/02/13 – Discussions taking place with owners regarding replacement lighting to car park and the installation of a new extraction</p>

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				<p>system. Site to be monitored for compliance with notice Columns should be removed by 28/3/2013. 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. 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 interest. Both notices give 4 months to carry out required works – these include removing the unauthorised lighting columns and also the extraction flue.</p>

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