



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 17 May 2016

Subject: Enforcement Report
15 Westfield Terrace S1 4GH

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the remove of unauthorised signs from a Grade II Listed Building at 15 Westfield Terrace S1 4GH

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF UNAUTHORISED SIGNS ON A GRADE II LISTED BUILDING AT 15 WESTFIELD TERRACE S1 4GH.

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Listed Building Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 15 Westfield Terrace is an early 19th Century brick built (with ashlar dressings) slate-roofed commercial property which is in an area of special character.
- 2.2 The property is a former dwelling-house that is currently in use as a restaurant, and is located within the central shopping centre, as identified in the UDP.
- 2.3 A complaint, from a Planning Officer, was received on 20 January 2016 concerning the fixing of three unauthorised signs that had been fixed to the principal elevation of the property.
- 2.4 On 22 January 2016 correspondence was entered into with the owners of 15 Westfield Terrace informing them that, because this property is a Grade II listed building that listed building consent is required for a development of this nature. It was also explained that because the signs, were not in keeping with the character of the building, it was unlikely that listed building consent would be granted
- 2.5 Whilst the Local Planning Authority recognises the restaurant's legitimate need to advertise, the signs that are currently displayed on this property are not in keeping with its historic character. However, it is suggested that signs that are more sympathetic to the building's character would be permitted.
- 2.6 To date the owners have not responded to this letter and the signs remain attached to the property; although the Planning Service is still willing to work with the owners and to provide guidance to help them achieve a more acceptable design for the signs which would meet both

their legitimate business needs and achieve compliance with the Council's requirements for advertisements on Listed Buildings.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building that is located within an area of special character and also within the Central Shopping Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and all developments should respect the scale, form, detail and materials of the original building.
- 3.3 Unitary Development Plan Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' states that buildings and areas of architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character, or appearance, of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted. Policy BE19 'Development Affecting Listed Buildings' states that external alterations which would affect the special interest of a listed building will be expected to preserve the character and appearance of the building.
- 3.4 The signs are considered to be visually intrusive and do not respect the character of the property to which they are attached because of their bulky and crude design. Therefore they are considered not to preserve or enhance the original 19th Century characteristics of the building and contrary to policies BE5, BE15 and BE19 of the UDP.
- 3.5 The photograph, below shows the property in question and demonstrates the negative impact the signs have on its appearance. The signs are overly large and crudely positioned on the elevations, partly obscuring the architectural details.

Photograph 1
The Property's principal elevation as viewed from Westfield Terrace



4. REPRESENTATIONS.

- 4.1 No representations have been made, other than from one of the Council's Planning Officers.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the signs are in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2. It is an offence to carry out works to a listed building, which affects its character, under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 38 of the Act provides for the service of a listed building enforcement notice. In this case such a notice would require the removal of the signs and making good the harm caused by the unauthorised development. There is a right to

appeal, to the Planning Inspectorate, against the serving of a listed building enforcement notice; however, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signs at 15 Westfield Terrace.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan

