



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 3 March 2015

Subject: Enforcement Report
215-219 Fulwood Road

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 Regeneration & 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 an unauthorised roller shutter at 215-217 Fulwood Road.

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

INSTALLION OF AN UNAUTHORISED ROLLER SHUTTER IN A CONSERVATION AREA 215 - 219 FULWOOD ROAD S11

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 215-219 Fulwood Road are located in a traditional three storey stoned fronted terrace of mixed use properties in the Broomhill Conservation Area.
- 2.2 The properties are also located within a local shopping centre, as identified in the UDP and are currently being used as a café.
- 2.4 A complaint was received, on 16 July 2013 concerning the installation of a steel roller shutter in front of the recessed main entrance door to 215.
- 2.5 Correspondence was entered into with the owner of 215-219 Fulwood Road informing him that planning permission is required to install a roller shutter on the front of retail premises but that because of the fact the properties are located in a conservation area the one that had been installed was considered as being detrimental to the amenities of the street scene, and that it was unlikely that it would receive planning permission.
- 2.6 The owner responded to this letter, and claimed that the roller shutter was a security measure, designed to prevent antisocial behaviour from taking place in the property's external entrance lobby. He also, as a result of the letter he had received engaged an architect, to design a more appropriated method of protecting the entrance lobby, who contacted the Local Planning Authority to discuss this matter with a view to applying for planning permission for an amended scheme.
- 2.7 However, to date no attempt has been taken by the owner to remove the roller shutter, as requested in the original correspondence, or to

submit an application for an alternative and more acceptable method of securing the entrance so that the needs of this business can continue to be met; nor has he completed and returned the questionnaire to the Section 330 Notice, served on 9 April 2014.

3 ASSESSMENT OF BREACH OF CONTROL

3.1 The property is located within the Broomhill Conservation Area and the District Shopping Area as defined within the UDP.

3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.

3.3 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 extensions should respect the scale, form, detail and materials of the original building.

3.4 Although roller shutters are often employed, by shops, as a means of additional security, there are ways in which this can be achieved successfully without creating an unacceptable visual impact, using recessed shutter box mechanisms and perforated or grilled shutters.

3.5 However, in this case, although the shutter and box housing the mechanism, have been colour coated to match the remainder of the shop front, the shutter housing is crudely exposed, sits below the bottom of the shop front fascia, and the shutter, itself, presents a solid mass within the shop front when closed.

3.5 In addition this property is situated in the Broomhill Conservation Area in this area, and the works do not respect the character of the building to which it is attached; or that of other properties in the immediate vicinity from a point of view of the negative visual impact the shutter has, particularly when in the closed position, on the visual amenities of the street scene and is, therefore, contrary to policy BE5 and S10 of the UDP.

- 3.6 The photographs, below, show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1 showing the roller shutter in the open position.



Photograph 2 showing the roller shutter in the close position.



Photograph 3 showing a close up of the roller shutter.



4. REPRESENTATIONS.

4.1 There has been a complaint from a member of the public.

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 shutter and housing 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 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the roller shutter, and housing, and making good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an 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.

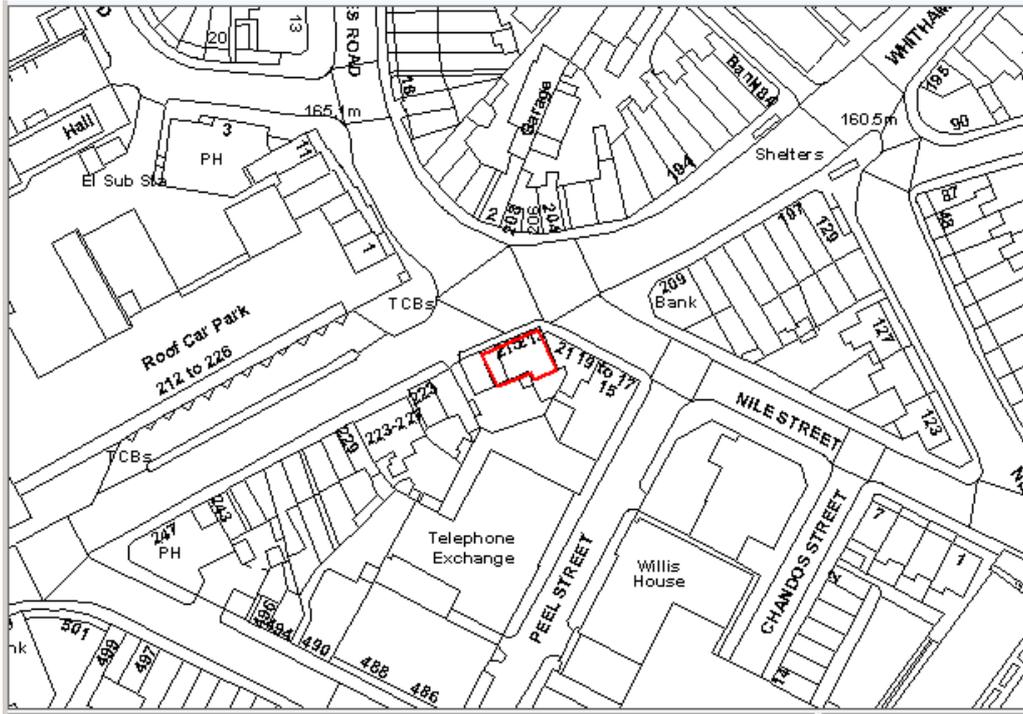
7 FINANCIAL IMPLICATIONS

- 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 awarded 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 Regeneration & 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 roller shutter and housing at 215-219 Fulwood Road.
- 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



Maria Duffy
Head of Planning Service

19/02/2015

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