



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 16 June 2015

Subject: Enforcement Report
1 Blackmore Street

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 replacement of the unauthorised steel cladding with natural slate.

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

UNAUTHORISED REPLACEMENT OF ROOF SLATES WITH STEEL PROFILE CLADDING ON A GRADE II LISTED BUILDING AT 1 BLACKMORE STREET

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 1 Blackmore Street is an early 20th Century brick-built, slate-roofed, Grade II Listed Building, reported as being 'the birthplace of stainless steel.'
- 2.2 The property is located within an industry and business area, as identified in the UDP and is currently vacant.
- 2.3 A complaint, from a member of the public, was received on 1 May 2014 concerning the fact that the original natural slate roof covering had been removed and replaced with profiled steel cladding.
- 2.4 Correspondence was entered into with the owners of the property informing them that because it is a Grade II listed building planning permission and listed building consent is required for works of this nature. They were also advised that it was unlikely that either would be granted because the steel cladding is not considered to be in keeping with the original character of the building.
- 2.5 A representative, acting on behalf of the property owner, contacted the Council and was informed that the steel cladding must be replaced with a natural slate.
- 2.6 To date no attempt has been taken by the owner to remove the canopy as requested in the original correspondence dated 25 July 2014.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building located in an industry and business area, as defined in 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 extensions 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.
- 3.4 The steel cladding is considered to be visually intrusive and does not respect original character of the property to which it is attached, from a point of view of its contemporary design. Therefore it is considered not to preserve or enhance the original early 20th Century characteristics of the building and is contrary to policies BE5 and BE15 of the UDP.
- 3.5 The photographs, below show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1



Photograph 2



Photograph 3



4. REPRESENTATIONS.

- 4.1 One complaint, from a member of the public, has been raised with regard to the detrimental visual impact the canopy creates to the street scene.

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 cladding is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.

- 5.3 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 replacement of the metal cladding with a natural slate to make 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.

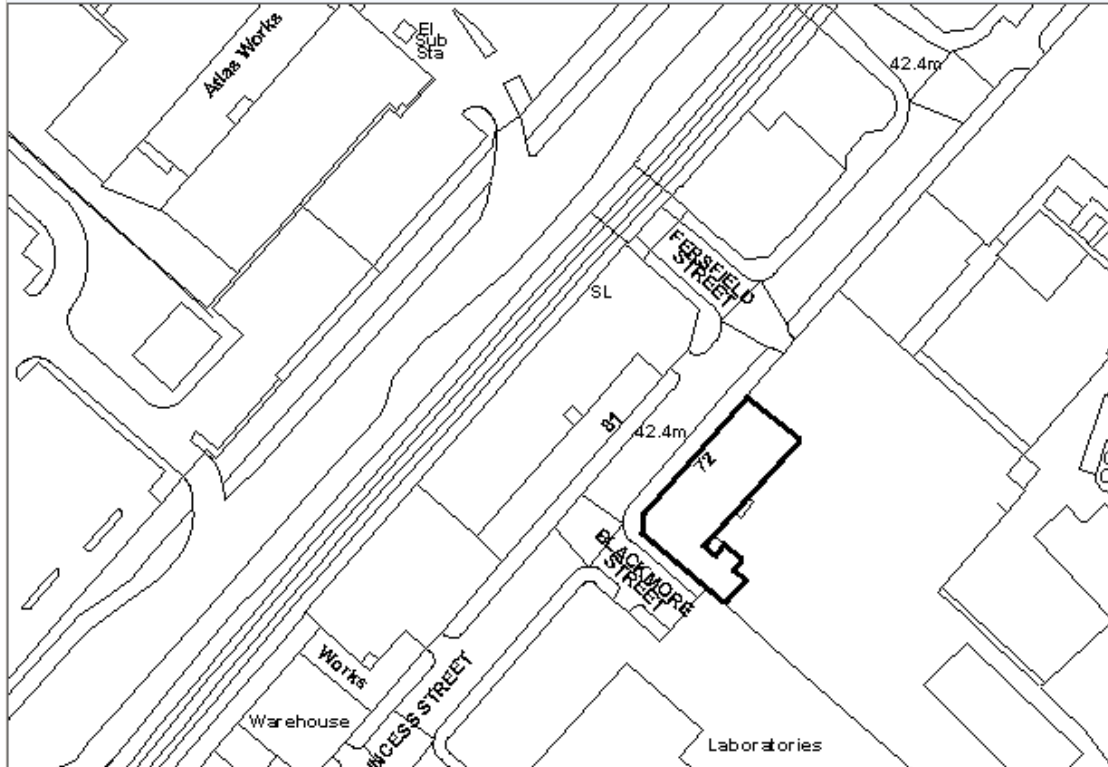
7 FINANCIAL IMPLICATIONS

- 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 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 replacement of the profile metal sheeting with natural slates.
- 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

05 June 2015