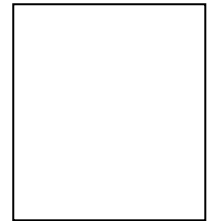




## **SHEFFIELD CITY COUNCIL Planning & Highways Committee Report**



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**Report of:** Director of Regeneration & Development Services

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**Date:** 26 May 2015

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**Subject:** Enforcement Report  
14 Market Square Woodhouse

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**Author of Report:** Fiona Sinclair

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

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### **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 unauthorised signs at 14 Market Square Woodhouse.

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

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### **Background Papers:**

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**Category of Report:** OPEN

## **ENFORCEMENT REPORT**

### **ERECTION OF UNAUTHORISED SIGNS AND LIGHTING ON A GRADE II LISTED BUILDING AT 14 MARKET PLACE.**

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 14 Market Place is a two storey stone built Grade II listed building, dating from the 17<sup>th</sup> Century, and is situated in an Area of Special Character.
  - 2.2 The property, a former public house that is currently in use as a restaurant, is located within a local shopping centre, as identified in the UDP.
  - 2.3 A complaint, from a Conservation Officer, was received on 13 January 2014 concerning the fixing of three unauthorised signs, and attendant overhead lighting, that had been fixed to the principal and side elevations of the property.
  - 2.4 Correspondence was entered into with the owners of 14 Market Square informing them that, because this property is a Grade II listed building that planning permission and listed building consent are required for a development of this nature. It also explained that because the signs, and lighting, were not in keeping with the character of the building, it was unlikely that planning permission and listed building consent would be granted.
  - 2.5 The owner responded to this to this letter, and engaged an agent to liaise with Conservation Officers in order to put forward a design for signs and lighting that will be considered to be more in keeping with the character of the building.
  - 2.6 In spite of attempts to help the property owner to achieve an acceptable solution to this matter, they have, to date, declined to

cooperate further and replace the unauthorised signs, and lighting, with those agreed as part of the initial consultation process.

### 3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is a grade II listed building that is located 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 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.
- 3.5 The signs and lighting are considered to be visually intrusive and do not respect the character of the property to which they are attached, from a point of view of their contemporary design. Therefore they are considered not to preserve or enhance the original 17<sup>th</sup> Century characteristics of the building and contrary to policies BE5 and BE15 of the UDP.
- 3.6 The photographs, below show the property in question and demonstrate the negative impact they have on its appearance. The signs are overly large and crudely positioned on the elevations, partly obscuring the architectural details.

Photographs 1 & 2  
The Property's principle elevation as viewed from Market Square





Photograph 3  
Property as viewed from Tannery Street.



#### 4. REPRESENTATIONS.

4.1 None.

#### 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 and lighting 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 display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. A prosecution can be brought under Section 224(3) of The Town and Country Planning Act 1990.

5.3. It is also 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 lighting, 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.

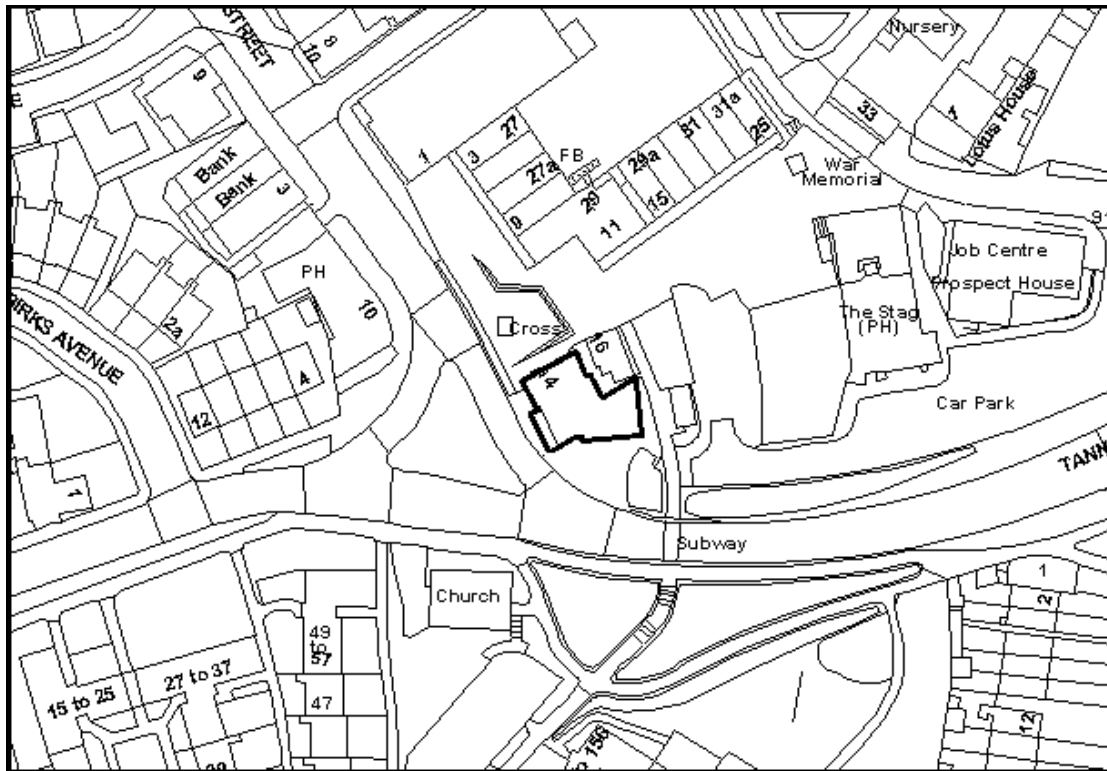
#### 7 FINANCIAL IMPLICATIONS

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 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 signs and overhead lighting at 14 Market Place.
- 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

14/05/2015

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