



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 23 February 2016

Subject: Enforcement Report
198-200 Crookes Valley 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 unauthorised sign at 198-200 Crookes Valley 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

ERECTION OF UNAUTHORISED SIGN AT 198-200 CROOKES VALLEY ROAD S10 1BA

1. PURPOSE OF REPORT
 - 1.1 To inform committee members of a breach of the Advertising Regulations and to make recommendations on any further action required.
2. BACKGROUND
 - 2.1 198-200 Crookes Valley Road is a Grade II listed building, and a former Methodist church that has been converted into student accommodation, for which planning permission was granted in 2011.
 - 2.3 A complaint, from a member of the public was received concerning a large advertisement board that has been fixed to the Crookes Valley Road elevation of this property
 - 2.4 Correspondence was entered into with the owners of the property, on 21 July 2015, informing them that, because this property is a Grade II listed building that advertisement and listed building consent are required for a development of this nature. It also explained that because the sign was not in keeping with the character of the building, it was unlikely that advertisement and listed building consent would be granted.
 - 2.5 A representative, acting on behalf of the property owner, responded to this letter to confirm the sign would be removed, within the 28 day time period specified in the letter. However, a recent visit to site revealed that the advertisement has yet to be removed.

- 3 ASSESSMENT OF BREACH OF CONTROL
- 3.1 The property is a grade II listed building that is located within a Housing Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy BE13 (v) Advertisements, states that the design of all signs and advertisements will relate in scale and design to their surroundings.
- 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 sign is considered to be visually intrusive and crudely sited. It does not respect the character of the property to which it is attached, from a point of view of its size and design, and the fact it obscures the building's architectural details; including window details and buttresses+. Therefore it is considered not to preserve or enhance the original characteristics of the building and contrary to policies BE13 and BE15 of the UDP.
- 3.6 The photographs, below show the property in question and demonstrate the negative impact it has on the property's appearance.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public; who considered it to be visually intrusive and inappropriate.

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

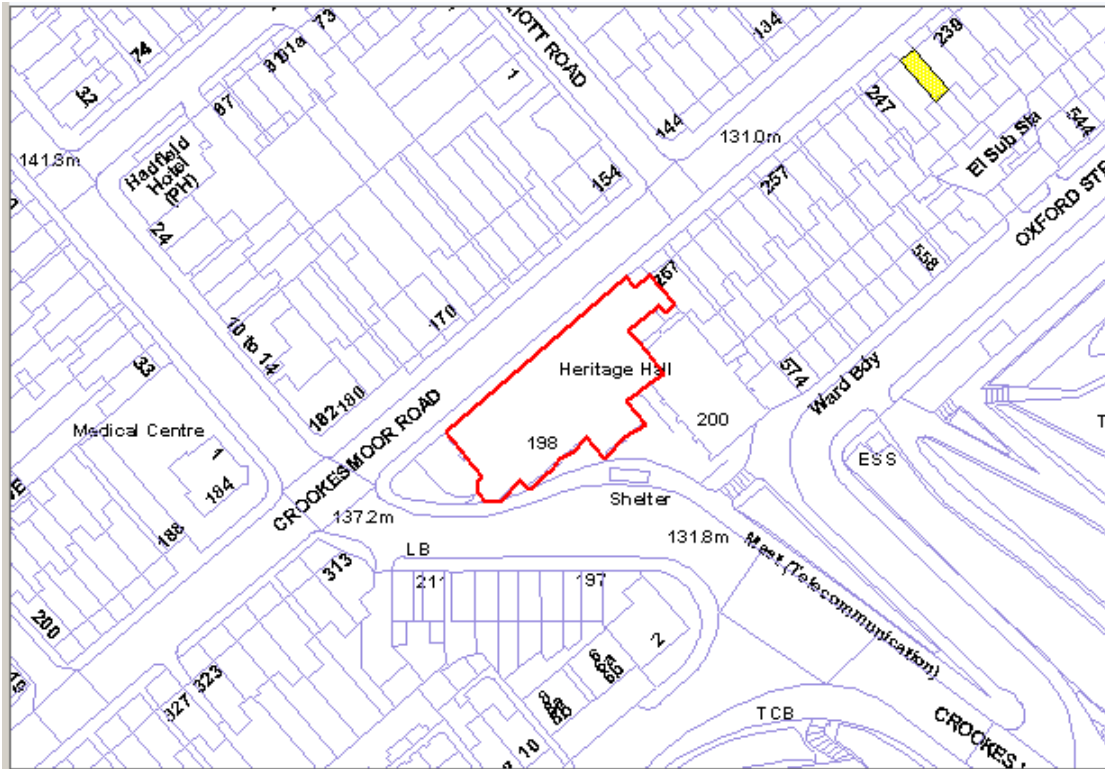
7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report.

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 sign at 198-200 Crookes Valley 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

11/02/2016

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