



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 16th September 2014

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary: ILLEGAL SIGNS AT 166, 223-225, 234, 235, 243-245 and 280 ABBEYDALE ROAD, SHEFFIELD, S7

Reasons for Recommendations

The signs do not benefit from deemed consent and are contrary to UDP policy BE13. The signs are inappropriately located at a high level causing excessive harm to neighbouring residential properties and creating a cluttered appearance in the street scene that is detrimental to the character of the area.

Recommendations

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including the institution of legal proceedings to secure the removal of the signs at 166, 223-225, 234, 235, 243-245 and 280 Abbeydale 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

ILLEGAL SIGNS AT 166, 223-225, 234, 235, 243-245 and 280 ABBEYDALE ROAD,
SHEFFIELD, S7

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform committee Members of a breach of planning control and to make a recommendation on any further action required

2. BACKGROUND AND LOCATION

- 2.1 This section of Abbeydale Road comprises of 2 storey brick terraced properties. There is a mix of retail, financial and professional, and food and drink outlets with first floor residential flats.
- 2.2 To the North and South of these terraced blocks of mixed use units on Abbeydale Road lie areas of terraced housing.
- 2.3 Two complaints from the public were received in relation to illuminated signs at 227 and 229 Abbeydale Road. Enforcement action was taken against these signs which resulted in a successful prosecution and the subsequent removal of 3 illegal signs. The owner of the two properties made a counter complaint regarding similar illuminated signs in the area at first floor level. In the interests of fairness, an area of Abbeydale Road was targeted and five properties were identified as displaying illegal signs that were considered harmful to the street scene.
- 2.4 Of the targeted action, five signs have been removed after negotiation; however eight of the signs which are included in this report remain. Each property displaying an illegal sign has received numerous communications from the Council since December 2012 identifying and explaining the illegal signs, requesting their removal and offering advice on alternative, more acceptable proposals.
- 2.5 In 2014 two new signs appeared at 280 Abbeydale Road, one a large illuminated sign causing nuisance to the first floor flats and the second a large banner sign at first floor level as shown below. Several letters have been sent to the occupiers and owners but no effort has been made to contact the department or to remove the signs.
- 2.6 It is Officer's opinion that if retrospective advertisement applications were submitted for the signs they would be contrary to UDP policy and would likely be refused. Therefore advertisement applications have not been invited.

3 ASSESSMENT

3.1 **166 Abbeydale Road.** The advertisements displayed do not benefit from deemed consent as described in schedule 3 Class 5 of the advertisement regulations. All of the signs outlined are higher than the bottom level of the first floor window on the wall on which they are displayed and the larger sign exceeds 1.55 square metres in area. The 2 projecting corner signs also hide architectural details.



3.2 **223-225 Abbeydale Road.** The advertisements displayed do not benefit from deemed consent as described in Schedule 3 Class 5 of the advertisement regulations as it is higher than the bottom level of the first floor window on the wall on which it is displayed and the sign exceeds 1.55 square metres in area. The smaller sign does not benefit from deemed consent due to its height, as above, and as it is not in reference to the business carried on in the premises.



3.3 **234 Abbeydale Road.** The projecting illuminated sign does not benefit from deemed consent as described in Schedule 3 Class 4 as it is higher than the bottom level of the first floor window on the wall on which it is displayed and the background of the advertisement is illuminated. The background of the shop sign is also illuminated and exceeds 1 square metre as limited by Class 4 and exceeds one-fifth of the frontage measured to the top of the advertisement. If this sign were to be made non illuminated it would still exceed the limitations imposed by Class 5, being greater than 1.55 square metres in size.



- 3.4 **235 Abbeydale Road.** The projecting illuminated sign exceeds the height limitations set out in Schedule Class 4 as it is higher than the bottom level of the first floor window. The sign is currently unilluminated but the restriction also applies under Class 5 for non-illuminated signs.



- 3.5 **243 to 245 Abbeydale Road.** The projecting sign exceeds the height limitations set out in Schedule 3 Class 4 for illuminated signs and Class 5, should the sign become non-illuminated, as it is higher than the bottom level of the first floor window.



- 3.6 **280 Abbeydale Road.** The Large projecting illuminated sign does not have deemed consent as the surface is greater than 0.75 square metres in area, is over 1m in height and is positioned above the bottom level of the first floor window. In addition there is a large banner sign in breach of Class 5 as it is positioned above the bottom of the first floor window and exceeds 1.55 square metres.



ASSESSMENT OF BREACH OF CONTROL

3.7

Class 4B Illuminated advertisements on business premises, specifies that:-

- (4) (a) no surface may be greater than 0.75 square metre in area
(c) the advertisement may not be more than 1 metre high.
- (6) No surface of the advertisement may exceed one-sixth of the frontage on which it is displayed, measured up to a height of 4.6 metres from ground level or one-fifth of the frontage measured to the top of the advertisement, whichever is less.
- (8) No point of the advertisement may be higher above ground level 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower
- (10) Illumination may be –
 - (a) by halo illumination, or
 - (b) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.

3.8 *Class 5 Advertisements on business premises must not:*

- (5) No part of the advertisement may be higher above ground level than whichever is the lower of-
 - (a) 4.6 metres, or 3 metres in an area of special control; and
 - (b) the bottom level of any first floor window in the wall on which the advertisement is displayed.
- (6) No single advertisement may exceed 1.55 square metres.

3.9 The signs are contrary to planning policy BE13 of the Unitary Development Plan.

- BE13
- (a) Large Poster advertisements will be permitted only if they would:
 - (ii) not harm the character or appearance of the area or be the only practical means of screening an unsightly building or area of land; and
 - (iii) be placed symmetrically on the building and not cut across architectural features.

(v) relate in scale and size to their surroundings.

- (b) (i) not be a traffic hazard; and
(ii) not harm the character or appearance of the area
- (c) (ii) not harm living conditions or the character or appearance of the area due to size, colour or intensity of the light.

- 3.10 The illuminated signs in question cause a light intrusion nuisance in the immediate adjacent flats. The flats have main outlook windows within approximately 1.2 metres of the signs, which will undoubtedly cause significant nuisance to the occupants of the flats.
- 3.11 Projecting signs should be incorporated into the shop front, preferably in line with the fascia sign, such that all signage is contained within the lower portion (ground floor) of the shop unit.
- 3.12 Randomly located high level signage such as these examples result in an uncoordinated appearance and clutter within the street scene.
- 3.13 The signs are inappropriately located at a high level on the building frontages which detracts from the appearance of the building and increases the signs prominence. They result in a cluttered arrangement of signs within the front elevations of the properties to the detriment of the quality of the street scene.
- 3.14 Officers recognise the need for businesses to advertise, especially in the current economic climate, however the current signs cause harm to neighbouring occupiers and to the street scene, and an alternative design and location for the signs in most cases would be acceptable. The occupiers of the properties have not submitted any alternative proposals or shown any commitment to resolve this issue.

4 REPRESENTATIONS

- 4.1 Two complaints received regarding 280 Abbeydale Road. All other signs have been targeted following enforcement action at 227 and 229 Abbeydale Road

5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 It is an offence to display without consent a sign that requires express consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. A prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990 in such circumstances. A prosecution could be brought against the illegal signs identified at 166, 223-225, 234, 235, 243-245 and 280 Abbeydale Road.
- 5.2 Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 makes provision for the Service of a Discontinuance Notice to discontinue the use of the site for the display of advertisements which benefit from deemed consent. Further investigation will be done to determine if the signs have been erected for more than 10 years. If it is found that any of the signs benefit from deemed consent under Schedule 3, Class 13, a Discontinuance Notice will be served.

6 EQUAL OPPORTUNITIES

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

7 FINANCIAL IMPLICATIONS

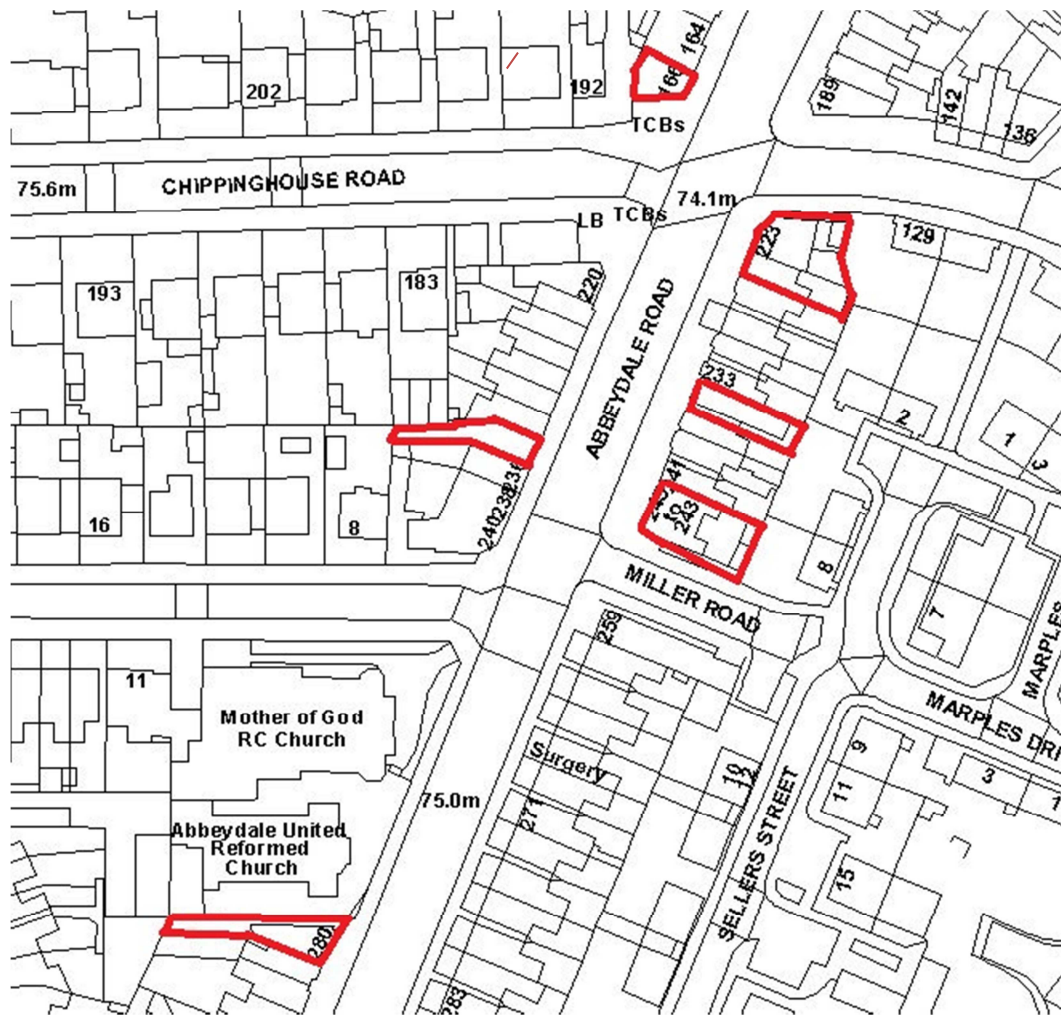
7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However,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

8 RECOMMENDATION

8.1 That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action, the institution of legal proceedings and if necessary discontinuance action, to secure the removal of the signs.

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 Locations Plan



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