



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Development Services

Date: 15 March 2016

Subject: Enforcement Report
3&5 Nursery Street S3 8GF

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 signs at 3&5 Nursery Street Sheffield S3 8GF

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 ADVERTISEMENTS AT 3-5 NURSERY STREET S3 8GF

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Advertisement Regulations 2007 and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 3-5 Nursery Street is a ground floor unit, located in an early 21st Century 6 storey apartment building, which was granted planning permission to be used as a Class A1 retail store in 2015.
- 2.3 A complaint, from a member of the public was received, on 9 June 2015 concerning the excessive signage that had been applied to the supermarket's display windows.
- 2.4 On 22 July 2015, correspondence was entered into with the owners of the supermarket informing them that the Local Planning Authority had received a complaint concerning the number of advertisements that were being displayed on the property, and that although they would require advertisement consent, it was unlikely that it would be granted, and therefore, with the exception of the signs that advertise the name of the shop (for which an application for advertisement consent was invited), should be removed.
- 2.5 Although the Local Planning Authority recognises the supermarket's legitimate need to advertise, the number of advertisements currently on display is considered to be excessive. However, it is likely that a less visually intrusive scheme of advertising would be permitted.
- 2.6 The owner, of the supermarket had initially agreed to submit an application for advertisement consent, and to remove the unacceptable signs, to date he has yet to do so.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The supermarket is in an area that has been designated as being for mixed development under the Sheffield Development Framework Core Strategy; and comprises of a mix of residential and commercial (shops/light industrial).
- 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 The National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 3.4 The signs are considered to be visually intrusive and to harm the amenities of the street scene, from a point of view of their size, number and design; and are, therefore, considered to be contrary to policy BE13 of the UDP, and the provisions of the NPPF.
- 3.5 The photographs, below show the property in question and demonstrate the negative impact that the signs have on its appearance and that of the street scene.

Photograph 1



Photograph 2



Photograph 3



Photograph 4



4. REPRESENTATIONS.

- 4.1 A complaint was received from a member of the public, on 9 June 2015 concerning the negative impact the signs have on the amenities of 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 sign are in breach of advertisement 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 2007. A prosecution can be brought under Section 224(3) of The Town and Country Planning Act 1990.

6 EQUAL OPPORTUNITIES

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

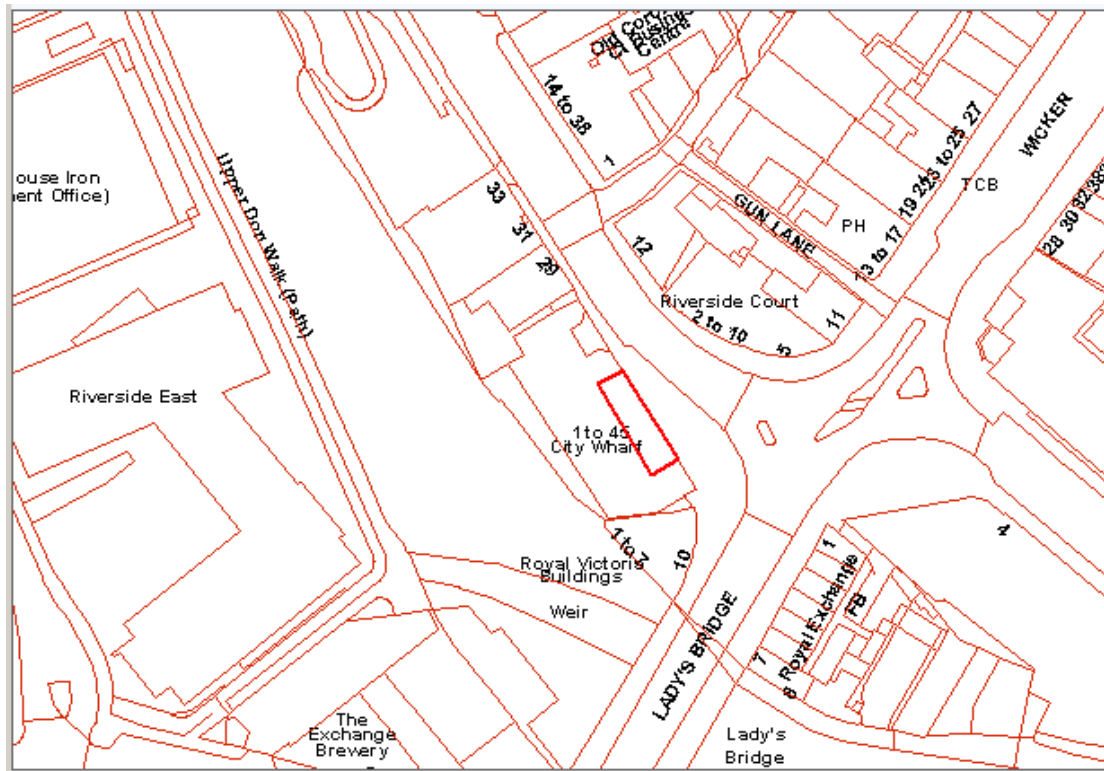
7 FINANCIAL IMPLICATIONS

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 signs at 3-5 Nursery Street.

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.



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