

ENFORCEMENT REPORT

DISPLAY OF UNAUTHORISED ADVERTISEMENT AT 38 PARKHEAD CRESCENT SHEFFIELD 11

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 No 38 Parkhead Crescent is a Class C3 dwelling house in what is primarily a residential area; from which the owners operate a childcare facility for up to six children.
- 2.2 Due to the low numbers of children the childcare facility accepts, and the fact the property is still used primarily as a family home, it is not considered that planning permission would have been required for a material change of use to a business premises.
- 2.3 A complaint was received regarding an advertisement banner that had been fixed to the side elevation of 38 Parkhead Crescent.
- 2.4 Correspondence was entered into, with the owner/occupier, advising them that the banner required advertisement consent; but that it was unlikely to be supported by the Local Planning Authority given its size and prominent location in a street scene within a residential area.
- 2.5 The owner/occupier responded by claiming the sign was necessary to promote their business.
- 2.6 Officers are very aware of the difficult economic climate that businesses are operating within, and are appreciative of the need for business to advertise. However this has to be weighed against any harm to the visual amenity of the local area, and there are alternative ways to advertise the business. For example a small plaque identifying the location of the business by the front door.

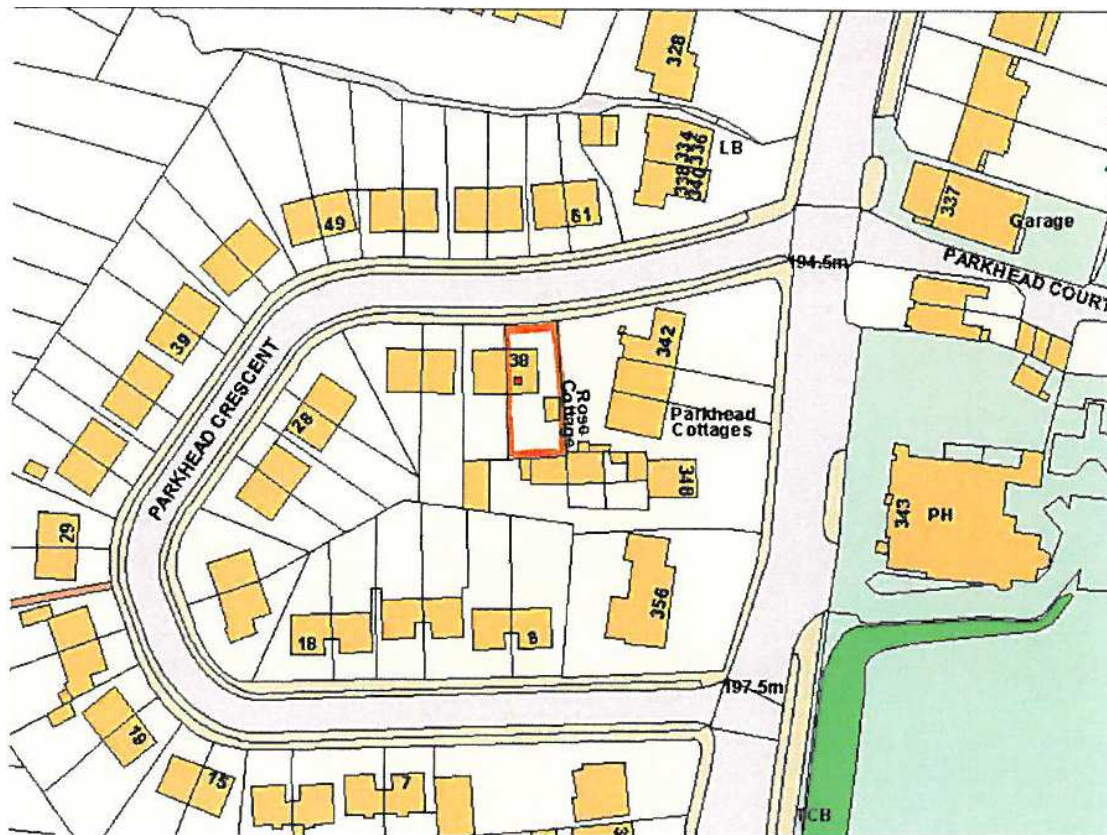
- 2.7 The banner, in question, measures approximately 2.15 metres by 980mm; equating to an area of 2.10 square metres.
- 2.8 Despite correspondence instructing the owners to remove the banner they have yet to do so.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The advertisement displayed does not benefit from deemed consent as described in the Advertisement Regulations due to its size.
- 3.2 The street scene, at this locality, is entirely residential in character and there is no other commercial signage in evidence on the other houses in Parkhead Crescent; the closest being on commercial properties on Ecclesall Road South. The context of Parkhead Crescent is, therefore, one of suburban housing with no evidence of commercial activity.
- 3.3 Whilst it is accepted that the advertisement does not represent the kind of visual intrusion that would exist with a hoarding or similar large poster advertisement it is nonetheless felt that it is out of scale and character with the street scene due to its size and prominent location and is therefore considered detrimental to the visual amenities of the locality. (see photograph below).



4. Site Location Plan



5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 The advertisement being displayed is unauthorised under the Town and Country Planning (Control of Advertisements) Regulations 2007. Section 224(3) of the Town and Country Planning Act 1990 states that any person displaying an advertisement in contravention of the regulations shall be guilty of an offence.

5.2 Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 provides for the service of a Discontinuance Notice. In this case it is known that the advertisement does not have deemed consent and therefore a Discontinuance Notice is not appropriate.

6 EQUAL OPPORTUNITIES

6.1 Child care facilities can be an invaluable service for enabling both parents to work; and provide employment opportunities for women. However, the proposed enforcement action is not to prevent the use of

the premises as a child care facility but to secure the removal of the unauthorised sign.

7 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

7.1 There are no financial or equal opportunity implications arising from the recommendations contained in this report.

8.0 RECOMMENDATIONS

8.1 That authority be given to the Assistant Chief Executive Legal and Governance to take all necessary steps, including the institution of legal proceedings, if necessary, to secure the removal of the unauthorised sign at 38 Parkhead Crescent Sheffield 11

D Caulfield
Head of Planning Service

18 June 2012