



SHEFFIELD CITY COUNCIL PLACE

REPORT TO CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS AREA COMMITTEE

DATE 03 SEPTEMBER 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED DISPLAY OF ILLUMINTAED SHOP FASCIA AND PROJECTING SIGN AT THE FRONT OF 253 FULWOOD ROAD, S10

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF ADVERTISING REGULATIONS AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED SIGNS.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

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AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

3 SEPTEMBER 2012

ENFORCEMENT REPORT

UNAUTHORISED DISPLAY OF ILLUMINATED SHOP FASCIA AND PROJECTING SIGN AT THE FRONT OF 253 FULWOOD ROAD, S10.

1. PURPOSE OF REPORT
 - 1.1 The purpose of this report is to inform Committee Members of a breach of Advertising Regulations and to make recommendations on any further action required.
2. BACKGROUND AND LOCATION
 - 2.1 253 Fulwood Road is a three storey mid terrace commercial property within Broomhill District Shopping Centre as defined in the Sheffield Unitary Development Plan. The property is also located within the Broomhill Conservation Area.
 - 2.2 A written complaint was received in September 2011, regarding the erection of a sign at the property. A site visit was made by an Officer and it was noticed that an internally and externally illuminated shop fascia sign and an internally illuminated projecting sign had been erected without advertisement consent.
 - 2.3 A letter was sent to the owner and occupier requesting that the signs should either, be removed and replaced with signs that meet the advertisement regulations or alternatively that an advertisement application for a more appropriate signage is submitted. The owner and occupier were also invited to discuss an alternative more acceptable proposal for the signage at this location but have not taken up this offer. To date no application has been submitted.
 - 2.4 Along with the letter a notice under section 330 of the Town and Country Planning Act, 1990 was served on the occupier on the 6 March 2012 and on the owner on the 11 July 2012 requesting further information regarding the ownership of the property. To date, the notices have not been returned.

- 3 ASSESSMENT OF THE BREACHES OF CONTROL
- 3.1 The advertisement displayed does not benefit from deemed consent as described in Schedule 3 Class 4 of the Advertisement Regulations due to the method of illumination. The regulations state that only the individual letters and logo should be illuminated. In this case the whole sign is externally illuminated. Even if the illumination was to be permanently switched off the advertisements would not meet the requirements of Class 5 of the same schedule due to the advertisement exceeding 1.55 square metres in area. Class 4 of the Schedule also states that “no advertisement is permitted within a Conservation Area”
- 3.2 Unitary Development Plan Policy BE13 ‘Advertisements’ states in part (b) that illuminated advertisements will not be permitted if they would harm the character or appearance of the area.
- 3.3 Unitary Development Plan Policy BE16 ‘Development in Conservation Areas’ states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the areas to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.4 Unitary Development Plan Policy BE17 ‘Design and Materials in Areas of Special Architectural or Historic Interest’ requires a high standard of design using traditional materials.
- 3.5 The National Planning Policy Framework (NPPF), Paragraph 16 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 3.6 The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the historic character and appearance of Broomhill’s Shopping Centre as having been diluted by unmistakably modern shop fronts and advertising.
- 3.7 The Management Proposals document for the Conservation Area comments that of great concern are the poor quality of modern shop front design and garish fascias and advertising signs. The document recommends that the Council should seek to ensure that all advertisement proposals relating to shops respect the character and appearance of the Conservation Area, in terms of siting, number, colours, materials and form of illumination.
- 3.8 It is considered that the unauthorised fascia sign and the projecting sign are unacceptable due to the size, design and illumination. The signage is very prominent and dominates the elevation creating an excessive display and detracting from the appearance of the building. The signage is sited and designed without consideration for the simple

character of the building, and the appearance of the Conservation Area.

- 3.9 The advertisements are considered to fail to comply with the UDP policies and NPPF Guidance outlined above, and are contrary to the relevant recommendations set out within the Conservation Area Management Proposals document.
- 3.10 The photographs below show the property in question, and demonstrate that the unauthorised advertisements are not appropriate for the property and that their appearance is not in keeping with the character and appearance of the conservation area.



3.11 Officers are aware of the difficult economic climate that businesses are operating within, and are appreciative of the need for businesses to advertise. However, this has to be weighed against any harm to the visual amenity of the local area and a more sensitively designed sign would be considered a more appropriate form of advertising.

4 REPRESENTATIONS

4.1 One complaint has been received about the unauthorised signs.

5 ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 The signs being displayed are unauthorised under the Town and Country Planning (Control of Advertisements) Regulations 2007. Section 224 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, a prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990 relating to the existing advertisements.

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. In this case it is known that the signs do not have deemed consent and therefore a Discontinues Notice is not appropriate.

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 financial implications arising from the recommendations in this report.

8 RECOMMENDATION

8.1 That authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised signs at 253 Fulwood Road.

D Caulfield
Head of Planning

22 August 2012



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 Sheffield City Council,
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