



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 22 April 2014

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: 11 Advertisement Hoardings in Wincobank / Blackburn

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, the service of Discontinuance Notices and the institution of legal proceedings to secure:

- (i) The discontinuance (removal) of the display of the two freestanding 48 sheet hoardings, ref H1 and H2, including the removal of the associated supporting structure and platform, from the land at the junction of Fife Street and Barrow Road,
- (ii) the discontinuance (removal) of the display of the two 48 sheet hoardings, ref H3 and H4 including the removal of the associated supporting structure, from land adjacent 2 Fife Street,
- (iii) the discontinuance (removal) of the display of the two 48 sheet hoardings, ref.H5 and H6, including the associated supporting structure from land adjacent Blackburn Brook, Fife Street,
- (iv) the discontinuance (removal) of the display of the 48 sheet hoarding and associated supporting structure and screen fencing, ref. H7, land adjacent to 14 Blackburn Road,

- (v) the discontinuance of the use of the site at the flank wall of 4 Fife Street for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H8,
- (vi) the discontinuance of the display of the 48 sheet advertisement hoarding, ref. H9, including the removal of the supporting structure at land 35 metres north west of 20 Ecclesfield Road,
- (vii) the discontinuance of the use of the site at the flank wall of 54/54A Barrow Road for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H10,
- (viii) the discontinuance of the use of the site at the back wall of the outbuilding at 74 Barrow Road for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H11,

Background Papers:

Category of Report: OPEN

REGENERATION AND DEVELOPMENT SERVICES

REPORT TO PLANNING AND
HIGHWAYS COMMITTEE
22 APRIL 2014

ENFORCEMENT REPORT

11 ADVERTISEMENT HOARDINGS IN WINCOBANK / BLACKBURN,
COMPRISING:

LAND AT JUNCTION OF FIFE STREET AND BARROW ROAD,
2 NON-ILLUMINATED 6m x 3m HOARDINGS, (ref H1 & H2)

LAND ADJACENT 2 FIFE STREET, 1 NON-ILLUMINATED 6m x 3m
HOARDING AND 1 ILLUMINATED 6m x 3m HOARDING, (ref H3 & H4)

LAND ADJACENT BLACKBURN BROOK, FIFE STREET, 2 NON-
ILLUMINATED 6m x 3m HOARDINGS, (ref.H5 & H6),

LAND ADJACENT 14 BLACKBURN ROAD, 1 NON-ILLUMINATED 6m x 3m
HOARDING, (ref.H7)

FLANK WALL OF 4 FIFE STREET, 1 NON-ILLUMINATED 6m x 3m
HOARDING, (ref.H8),

LAND 35m NORTH WEST OF 20 ECCLESFIELD ROAD, 1 NON-
ILLUMINATED 6m x 3m HOARDING, (ref.H9),

FLANK WALL OF 54/54A BARROW ROAD, 1 ILLUMINATED 6m x 3m
HOARDING, (ref.H10),

74 BARROW ROAD, 1 NON-ILLUMINATED 6m x 3m HOARDING, (ref.H11).

1. PURPOSE OF THE REPORT

The purpose of this report is to inform committee Members of breaches of advertisement control and to make representations on any further action required.

2. LOCATION

2.1 All these hoarding sites are located in Lower Wincobank / Blackburn in an area 0.4km by 0.3km wide.

3. BACKGROUND

3.1 The committee will be aware from previous enforcement reports that environmental improvements have taken place city wide using discontinuance powers against inappropriate (established) adverts including large format hoarding sites, which were considered to cause

substantial injury to the visual amenity of the area where they were displayed. The most recent enforcement actions were four sites at Ecclesall Road and Glossop Road. In addition Chesterfield Road, Derbyshire Lane, Middlewood Road and Leppings Lane / Langsett Road were cleared of inappropriate hoardings in recent years. Some remain in place where they serve to screen unsightly land. Action is ongoing at Staniforth Road.

3.2 Previous informal guidance approved by the committee was take a reasonable approach to hoardings and be more sympathetic to them in commercial and industrial areas whilst protecting residential areas, attractive buildings and features and open space from out of scale and visually obtrusive hoardings. This approach recognises that sometimes hoardings are acceptable. This is evident in the Lower Don Valley where many hoardings have been allowed.

3.3 Letters are being sent to land owners and to the advertising companies, to outline the proposed enforcement action, subject to Member approval. Section 330 information notices will be included to establish precise ownership and any other persons with an interest. This process can also establish if any advertisements pre-date 1st August 1948 for payment of removal expenses under s223(1), referred to in paragraph 8.1.

4. ASSESSMENT OF SITES

4.1 The relevant policy document is the Sheffield Unitary Development Plan, ('UDP'), adopted March 1998. Policy 'BE13 Advertisements' permits the display of adverts under certain conditions, which consider the impact of the advert on the character and appearance of the site and the area. Highway safety is also taken into consideration.

4.2 The National Planning Policy Framework, (NPPF), recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.3 The advertisement control system in England falls under the planning control system. The present rules are the Town and Country Planning (Control of Advertisements) Regulations 2007, ('the Advert Regulations'). This system deals with all aspects of adverts, including which ones are permitted, dealing with applications and enforcement.

4.4 There is no record of when any of the current 48 sheet formats were first displayed but all of the sites in this report are known to have been used to display adverts for the preceding ten years at least, without any change in the extent of the display, in each case. This means that they all benefit from 'deemed consent' under the Advert Regulations, (see para. 6.1).

- 4.5 Two sites could possibly benefit from deemed consent under Class 14, (see para.6.1 / express consent expired); these are H1 and H8. This is not clear from the old records. Applications are recorded for 4 Fife Street (in 1976) and two in the 1950's for 'land near to the railway bridge', (possibly H1). An application was refused in 1982 for the land where H2 stands. No detailed record remains for these applications or if they relate to the current display / format. None of the other sites had applications. Each Site is assessed in turn in the following text.
- 4.6 H1, H2, Land at Junction of Fife Street and Barrow Road, two Free-Standing 48 sheet Hoardings, (6m x 3m each). These hoardings stand side by side next to a railway bridge and embankment at, (south east corner of), the crossroads with Ecclesfield Road. The UDP designates the site and adjoining land as Open Space. The immediate area is mixed in character with Wincobank Steel Works on the south west corner of the crossroads, terraced houses on the north west corner and a car sales lot on the north east corner. Other hoardings at this crossroads are H3 / H4 adjacent the car lot at 2 Fife Street and H8 at 4 Fife Street.
- 4.7 Although this area is mixed in character, including historic industrial uses, these hoardings are considered to cause substantial harm to the visual amenity of the area for the following reasons:
- The hoardings, both collectively and individually are prominent and overly dominant in the street scene due to their large scale at 6m wide by 3m high, each. They are sited part way up the embankment giving them greater prominence. The timber structure that supports the displays rises off the ground by up to 2,5m so the overall height of H1 and H2 is approximately 5.5m above street level,
 - the supporting timber structure has a raised platform with a perimeter metal guard rail that further emphasises the bulk of the structure adding extra clutter that is visually harmful,
 - both hoardings are clearly visible from houses at nos.2-8 Ecclesfield Road and nos.4-16 Fife Street,
 - both hoardings are visible from long range on Fife Street to the south west,
 - the railway embankment land behind the hoardings is not unsightly; it greens over in spring / summer and does not need to be screened,
 - the close proximity of the hoardings to the crossroads and traffic signalling is not desirable. Large format advertisements are designed to be eye-catching and if sited appropriately cause no concern for highway safety, however in this case they could be a distraction for motorists.

- 4.8 For the above reason the hoardings are considered to be contrary to policy BE13 of the UDP.
- 4.9 H3, H4, Land adjacent 2 Fife Street, two Free-Standing Hoardings, 1 non-illuminated and one illuminated, (6m x 3m each or '48 sheets'). These hoardings stand side by side on the opposite side of Fife Street to H1 / H2 on land between the railway bridge and the car lot, 2 Fife Street, (north east corner of crossroads). They are sited at the back edge of, and parallel to the pavement footway facing Fife Street on land designated as 'Housing' in the UDP.
- 4.10 These hoardings are considered to cause substantial harm to the amenity of the area for the following reasons:
- the hoardings, both collectively and individually are prominent and overly dominant in the street scene due to their large scale standing at 6m wide by 3m high, each. The overall height above street level is approximately 4m, as the supporting structure elevates the hoarding by about 1m,
 - both hoardings are visible from long range on Barrow Road to the south,
 - they are not required to screen unsightly land,
 - the reverse side of the hoarding structure is unattractive and visible to highway users on Ecclesfield Road and visible from houses on that street,
 - H4 is illuminated and the display is visible during hours of darkness continuing the harm into the night time hours,
 - the road under the railway arch acts as a kind of gateway into Wincobank from Blackburn and Rotherham and these hoardings spoil the look and feel of the entrance, particularly as they follow closely after H5 / H6 and with H8 in the backdrop view,
 - the close proximity of the hoardings to the crossroads and traffic signalling is not desirable. Large format advertisements are designed to be eye-catching but cause no safety concern in many cases, however, here they could be a distraction for motorists.
- 4.11 For all the above reasons each hoarding is considered to be contrary to policy BE13 of the UDP.
- 4.12 H5, H6, Land Adjacent Blackburn Brook, Fife Street, two Free-Standing Non-Illuminated 48 sheet Hoardings, (6m x 3m each). These hoardings stand side by side, on the east side of the road, next to the Blackburn Brook, on land between the two railway bridges at the

eastern end of Fife Street. The land is designated as 'Business' in the UDP. The land here, which is at the western perimeter of the national grid gas holder site has remained undeveloped. Opposite this site on the west side of Fife Street is long standing industrial land, (former Arthur Lees site), which currently stands empty, cleared of all buildings, awaiting re-development, probably for new business / industry, (no current consents). H5 sits parallel to and abutting the back edge of the footpath and H6 stands at 45 degrees to the highway.

- 4.13 These hoardings are considered to cause substantial harm to the amenity of the area for the following reasons:
- the hoardings, collectively and individually are prominent and overly dominant of the footpath and the street scene due to their large scale and position close to the edge of the footpath. They stand side by side and measure 6m wide by 3m high each. H6 is raised off the ground by the supporting timber structure making the overall height above street level about 4.5m-5m. H5 is set approximately 0.5m off the ground making its overall height about 3.5m above street level,
 - neither hoarding is required to screen unsightly land. The hoardings are set amongst dense thicket beside the brook, which is a pleasant green break in an otherwise urban industrial area, This land has a distinct 'cut off' feel from the surrounding area, lying between the two bridges, and the raised railway embankments, which are 95m apart,
 - the hoarding H5 is of concern for highway safety, being difficult to read by motorists because of its orientation, parallel to the carriageway and it's position very close to the road carriageway. Passing motorists need to turn their head away from the road ahead to read the advert,
 - the physical layout of the area on this road passing under the two bridges acts as a gateway to Wincobank from Blackburn, the M1 and Rotherham. The hoardings present a negative the first impression.
- 4.14 For the above reasons the hoardings are considered to be contrary to policy BE13 of the UDP.
- 4.15 H7, Land Adjacent 14 Blackburn Road, 1 Free-Standing Non-Illuminated 48 sheet Hoarding, (6m x 3m). This site is situated on the eastern side of the road on an open grass bank, which is situated between a group of 4 houses, (14-16A Blackburn Road) and The Railway public house. There are trees behind the hoarding. The area is mixed in character and includes business uses, offices, pub, houses and open areas of land and the M1Motorway in the background. The land is within an area designated General Industry with Special Industries in the adopted UDP.

- 4.16 Although this area is mixed in character, this hoarding is considered to cause substantial harm to the visual amenity of the area for the following reasons:
- the hoarding is prominent in the street scene due to its scale at 6m wide by 3m high, sited in an elevated position above the road on the bank. It also has associated timber fencing to the side, possibly designed to screen the land behind it, which is unnecessary. Some of this fence is broken down and is flat to the ground,
 - it is too large and it spoils the setting of the two storey houses in the backdrop particularly 14 Blackburn Road, which is dominated by the hoarding. It is set above the ground level by about 0.5m making the overall height above ground level approximately 3.5m,
 - the hoarding and associated fencing is not required to screen unsightly land because the backdrop is green with tree cover,
 - although the area is designated as industrial, the character of the immediate area is not so. There are houses adjacent to the site, living accommodation over the Railway pub. Opposite the site is green space with trees,

For all of the above reasons the use of the site for displaying large format hoardings is considered to be contrary to policy BE13 of the UDP.

- 4.17 H8, Flank Wall Site at 4 Fife Street, non-illuminated 48 sheet Hoarding, (6m x 3m). This is an end of terrace, two storey house at the corner of Ecclesfield Road, at the same road junction as sites H1, H2, H3 and H4. This property lies within an area designated as Housing in the UDP. The description of the immediate area is as described in paragraph 4.6.
- 4.18 The site is that part of the flank wall occupied by the hoarding, overlooking Ecclesfield Road. The use of this site is considered to substantially harm the visual amenity and character of the area and the character of the host building for the following reasons:
- the site, occupied by the existing 48 sheet hoarding, is out of scale with the host building at 6m wide by 3m high. It is set about 1.8m high up the wall making the overall height of the display above street level about 4.8m. It dominates the house and spoils the character of it,
 - the use of the site spoils the character of the area being a very prominent feature in the street scene high on the host wall. It is out of character with the houses in the backdrop view,
 - the harm caused by the use of the site is emphasised by the hoarding displayed on it. In addition to the size and position, the

physical bulk of the hoarding structure is at odds with the host building,

- the site is clearly visible from houses on Ecclesfield Road,
- the road under the nearby railway arch acts as a kind of gateway into Wincobank from Blackburn and Rotherham and this hoarding spoils the look and feel of the entrance, particularly as it lays in the backdrop to two other hoardings at H3/H4,
- The site is of some, limited, concern for highway safety. Large format advertisements are designed to be eye-catching and if sited appropriately, present no concern for highway safety, however in this case the site is too close to a four way crossroads where motorists should have maximum concentration on road conditions.
- The hoarding is not required to screen unsightly land.

4.19 For the above reasons this advertisement site and the hoarding on it are considered to be contrary to policy BE13 of the UDP.

4.20 H9, Land 35m north west of 20 Ecclesfield Road, Free-Standing Non-Illuminated 48 sheet Hoarding, (6m x 3m). This is land situated just beyond the edge of the built up area of Wincobank, opposite the children's playground within an area designated as a Housing Policy Area in the UDP. The land is wide highway verge with trees, shrubs and some open patches. The railway line, (Meadowhall to Chapelton), is 25m to the east. Houses at 2-20 Ecclesfield Road are 35m to the south east and the crossroads where the above sites H1-H4 and H8 are located about 110m to the south east.

4.21 The site is on an open patch of land with a free standing 48 sheet hoarding and timber supporting structure. The hoarding on the site is considered to cause substantial harm to the visual amenity of the area and to be contrary to policy BE13 of the UDP for the following reasons:

- the hoarding is too large and it spoils the character of the area, which is open and green with houses in the backdrop. The display area is 6m wide by 3m high and fixed to a timber supporting structure that elevates it by up to 1.5m above the ground making the overall height approximately 4.5m high.
- It faces a playground and the adjacent land, (off Dara Street / Woodbury Road), which is allocated for housing development. The latest planning consent has lapsed, however the long term character of the area opposite is changing to more residential,
- the size and position of the hoarding interferes with the safe reading of a highway traffic sign by motorists, heading south east towards Wincobank and the crossroads described above, which is 110m metres ahead. The highway sign is positioned 5m in front of the

hoarding, which can cause distraction to motorists detrimental to highway safety,

- it is not required to screen unsightly land and is, in itself an unattractive feature when viewed from its reverse side, which can be seen by motorists travelling north west away from Wincobank and can also be seen from some of the houses on Ecclesfield Road; more so through autumn / winter when the nearby trees have shed their leaves. The land on which the hoarding stands is a green and relatively attractive space spoiled by the hoarding.

4.22 H10, Flank Wall Site at 54/54A Barrow Road, 1 Illuminated 48 sheet Hoarding, (6m x 3m). The property is an end of terrace two storey building containing two flats, (formerly a café with flat over). The immediate surroundings are residential in character with the opposite side of Barrow Road consisting of green land / a grass bank with trees.

4.23 This site is that part of the flank wall of the upper floor flat. The use of the site is considered to cause substantial harm to the visual amenity of the area and to be contrary to policy BE13 of the UDP for the following reasons:

- the site is prominent in the street scene, high up the wall at first floor level, dominating and spoiling the view of the terrace of houses in the backdrop and spoiling the character of the area,
- the scale of the site is too large at 6m wide by 3m high, dominating the host building and spoiling its character. The hoarding displayed here emphasises this point. The physical size of the hoarding structure and the projecting lighting apparatus are at odds with the property,
- the site is in a housing area and it overlooks and dominates the setting of the bungalow next door at 50 Barrow Road in the foreground. It can be clearly seen from grounds of that property and also from windows of flats on Ash Tree Court, which is in an elevated position above Barrow Road,
- the illumination of the site extends the harm into night time hours

4.24 H11, Site at 74 Barrow Road, non-illuminated 48 sheet Hoarding, (6m by 3m). This is a two storey semi-detached corner property, attached to 1A Newman Road. It comprises a ground floor post office with first floor flat, within an area designated as Housing Policy in the UDP. It has a detached garage at the rear accessed from Barrow Road. Behind no.74 is a green space planted with trees at the corner of Vauxhall Road. The immediate surroundings are residential in character. The east side, of Barrow Road has a stone wall with trees behind it and beyond that is the railway line and then Meadowhall Gas Holder Station.

4.25 The advertising site is that part of the rear wall of the single storey garage that is occupied by the 48 sheet hoarding. The use of the site is considered to cause substantial harm to the visual amenity of the area and to be contrary to policy BE13 of the UDP for these reasons:

- the site is too large, at 6m wide by 3m high, and too prominent in the street scene, commanding long range views from a southerly direction of up to 150m on Barrow Road,
- the large format overlooks and spoils the setting of a green space and also dominates and spoils setting of the host property in the backdrop.
- it is poorly sited, cutting across an architectural feature of the host building in that it overshoots the ridge line of the garage and is visible from the reverse side of the garage / hoarding, protruding above that roof line,
- it is within a housing policy area and visible from the windows of houses on Vauxhall Road

4.26 Appendix A shows photos of the sites compared to edited photos showing the sites removed. It is considered that the proposed enforcement action would significantly enhance the character of the area, its buildings, structures and green spaces.

4.27 The possibility of a modified display at each site has been considered, as required by the NPPF Planning Practice Guidance. None of these sites are thought appropriate for commercial advertising display of a wide and general nature. Officers can discuss this with the advertiser in each case.

5. REPRESENTATIONS

5.1 The issue has been raised by two active, well supported local community groups. The thrust of the complaint is that they have done much work in recent years to improve the environment of the Wincobank and Blackburn area. These hoardings are highlighted as causing particular visual blight in a neighbourhood with historical issues of a poor quality environment.

5.2 It is claimed, that the Council's efforts have tended to be targeted at the more affluent parts of the city. However the complainant has been advised about the previous actions to enforce the removal of hoardings in all areas where problems have been identified, (see para.3.1).

6. ASSESSMENT OF ENFORCEMENT OPTIONS

6.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 - ('the Advert Regulations'), categorises adverts into three groups:

- Adverts that are specifically excluded from Local Planning Authority, (LPA), control.
- Adverts for which the rules give a 'deemed consent' so that the LPA's consent is not needed provided they are within set limits.
- Adverts for which express consent is always required.

Class 13 of the Advert Regulations allows advertisements to be displayed on a site that has been used continually for the preceding 10 years for the display of advertisements, (it does not permit the substantial increase in the extent of the display).

Class 14 permits the continued display of adverts for which the permitted period of express consent (usually 5 years) has expired and for which the LPA has not forbidden any further display of that advert, or refused an application for its renewed display.

6.2 Regulation 8 of the Advert Regulations provides for the service of a Discontinuance Notice, (DN). Such a notice can be used to 'discontinue' the use of a site for displaying adverts altogether or can discontinue a particular advert, where deemed consent exists under the Regulations. It is considered that DN's should be served for all the cases in this report. Some DN's would seek the use of the site for the display any advert to stop; some actions would seek merely the removal of the particular advert currently displayed on the site. For example at site H1 the railway operators may need to erect a small sign, as yet unforeseen, for the purpose of managing the railway property. Site H10 however isn't suitable for type of advert being on a residential property.

6.3 It is an offence to display without consent, an advert that requires express consent under the Advert Regulations. A prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990, (the Act) in such circumstances. A prosecution cannot be brought for these displays because they have deemed consent. However proceedings could be brought for any new illegal displays following discontinuance action.

7 EQUAL OPPORTUNITIES

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

8. FINANCIAL IMPLICATIONS

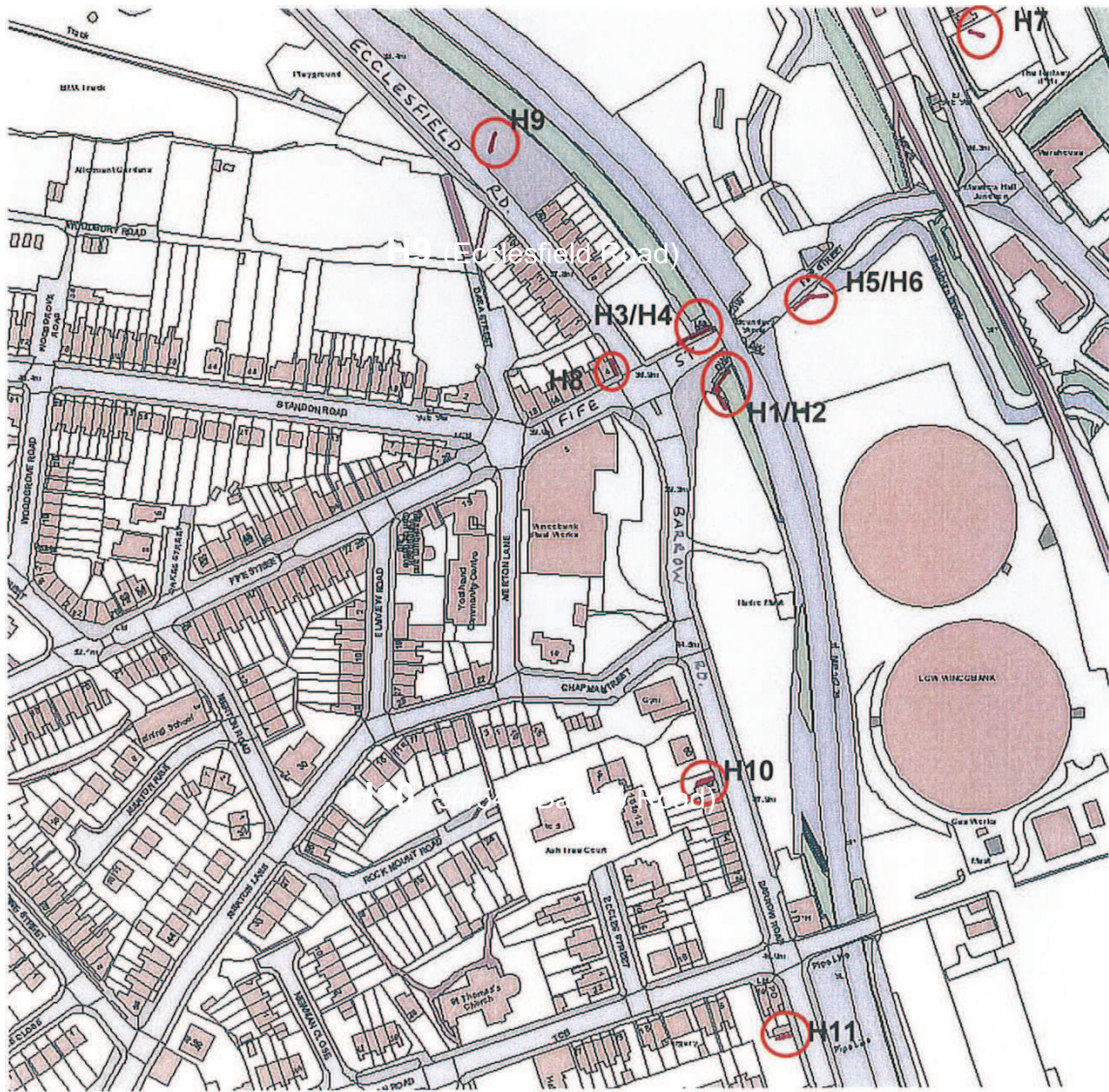
8.1 Section 223(1) of the Town & Country Planning Act , makes provision for the payment of reasonable expenses when claimed, for the cost of removing an advertisement, following enforcement action, which existed on 1st August 1948. Any costs arising will be met from the existing planning revenue budget. This is unlikely to apply in this case.

9. RECOMMENDATION

9.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, the service of Discontinuance Notices and the institution of legal proceedings to secure:

- (ix) The discontinuance (removal) of the display of the two freestanding 48 sheet hoardings, ref H1 and H2, including the removal of the associated supporting structure and platform, from the land at the junction of Fife Street and Barrow Road,
- (x) the discontinuance (removal) of the display of the two 48 sheet hoardings, ref H3 and H4 including the removal of the associated supporting structure, from land adjacent 2 Fife Street,
- (xi) the discontinuance (removal) of the display of the two 48 sheet hoardings, ref.H5 and H6, including the associated supporting structure from land adjacent Blackburn Brook, Fife Street,
- (xii) the discontinuance (removal) of the display of the 48 sheet hoarding and associated supporting structure and screen fencing, ref. H7, land adjacent to 14 Blackburn Road,
- (xiii) the discontinuance of the use of the site at the flank wall of 4 Fife Street for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H8,
- (xiv) the discontinuance of the display of the 48 sheet advertisement hoarding, ref. H9, including the removal of the supporting structure at land 35 metres north west of 20 Ecclesfield Road,
- (xv) the discontinuance of the use of the site at the flank wall of 54/54A Barrow Road for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H10,
- (xvi) the discontinuance of the use of the site at the back wall of the outbuilding at 74 Barrow Road for the display of advertisements, including the removal of the existing 48 sheet hoarding, ref. H11,

SITE PLAN



Maria Duffy
Acting Head of Planning

21 March 2014