

## DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,  
SOUTH & EAST  
PLANNING AND HIGHWAYS  
AREA COMMITTEE  
2 JULY 2012

### ENFORCEMENT REPORT

ADVERTISEMENT SITE, CURRENTLY OCCUPIED BY 'CLAYPENNY PREMIUM STUDENT HOUSING' ADVERT, LOWER PART OF FLANK WALL, 280 ECCLESALL ROAD

#### 1. PURPOSE OF THE REPORT

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

#### 2. LOCATION

- 2.1 This property is at the lower end of the busy Ecclesall Road District Shopping Centre on the north side of the main road, adjacent to the Nursery Tavern and 0.5km from the inner ring road.

#### 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 hoarding sites and s225 powers against posters / placards randomly placed on city streets and buildings.
- 3.2 Local resident groups regularly raise concerns with officers about long standing student accommodation signage that is not specific to a particular property or currently available letting.
- 3.3 Enforcement action is currently being taken against other large adverts, which are situated on flank walls, (of terraced houses on side streets), facing Ecclesall Road, using delegated powers under s225. These include two large adverts for student letting companies. In addition, a Discontinuance Notice, (DN), (see para 6.1 to 6.2), was served in April against a 'Salis for Student Accommodation' advert, on the upper part of the flank wall at 298 Ecclesall Road, (within 50m of this site), with committee authority.
- 3.4 There are two other unauthorised signs in this parade of properties that are also being investigated. These are the 'V' shaped boards advertising 4-6 bedroom flats at nos.288A / 298A and a new illuminated projecting sign at no.280, 'Devonshire Chippy'.

- 3.5 The large 6m x 3m poster hoarding situated on the upper part of this same flank wall, (shown in the photo), has also been targeted for discontinuance action. It was to be included in this enforcement report, however an application has now been submitted to retain it and a separate report under application ref.12/01431/ADV is also on today's agenda for consideration.
- 3.6 The Council has not given express consent for any of the adverts mentioned above.
- 3.7 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 another consideration to note is that there are alternative ways to advertise the business without resort to placing adverts on buildings that are general promotions and non-specific to the site.
- 3.8 A letter has been sent to the owner of the building and the owner of company advertised, to outline the proposed enforcement action. A section 330 information notice was included to establish property ownership and any other persons with an interest in it.
4. ASSESSMENT OF SITE
- 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 impact on the character and appearance of an area and the design and location of the signs.
- 4.2 This property is at the lower end of the busy Ecclesall Road District Shopping Centre that includes a mix of commercial uses, including shops, supermarket, pub, cafes, restaurants, estate / letting agents and there are flats above some of these properties. The UDP designates the parade in which the property stands as District Shopping Centre and the surrounding area is certainly commercial in character. However, the property concerned is a stone building within a group of attractive 2 storey buildings, with third storey front dormers, (nos.280-298), that collectively are typical of the character of this part of Ecclesall Road.
- 4.3 The property consists of a ground floor fish and chip shop, (no.280) and first floor flat. The site is the lower part of the flank wall occupied by the non-illuminated 5m x 1m advert advertising 'Claypenny Premium Student Housing'. It sits immediately below the large hoarding described at para. 3.5
- 4.4 The site overlooks the forecourt / beer garden of the adjoining Nursery Tavern. It is clearly seen across the forecourt of the Tavern, which is

set back from the highway by about 6m, from distances further east along Ecclesall Road.

- 4.5 This site is known to have been used to display adverts for the preceding ten years which means that it benefits from deemed consent under Class 13 of the Town and Country (Control of Advertisements) Regulations 2007, (see para. 6.1 to 6.2).
- 4.6 Although this is a commercial area and the site is positioned at ground floor level, the site is prominent in the street scene; it is too large for the building and clearly visible from distance. It crudely extends the commercial aspect of the property onto that flank wall when the commercial activity should be confined to the shop fronts and specific to the businesses trading there.
- 4.7 The use of this site is considered to cause substantial harm to the visual amenity of the area and as such is contrary to policy BE13 of the UDP.
- 4.8 The attached photographs demonstrate the improvement that could be achieved to the visual amenity of the area by the removal of this advertisement site. *Photo A* shows the actual view of the property. *Photo B* is edited to show how it might look with the Claypenny advert removed, with the stonework revealed. It is considered that this would enhance the character of the building and reduce the unnecessary clutter in the street scene. *Photo C* is edited to show what the property might look like minus the Claypenny advert and the large hoarding, (the hoarding is in a separate report under 12/01431/ADV). This is considered to significantly enhance the visual amenity of the area and the character of the building.

## 5. REPRESENTATIONS

- 5.1 The issue has been raised by another student letting company, which was served with a DN requiring the removal of one of their own adverts. It also came to the attention of Planning Enforcement during one of the regular area sweeps to identify inappropriate student 'to let' advertising, which are carried out in response to local residents' groups concerns about the issue

## 6. ASSESSMENT OF ENFORCEMENT OPTIONS

- 6.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 - ('the Regs'), 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 provide they are within set limits.
  - Adverts for which express consent is always required.

Class 13 of the Regs 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 of the Regs 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. In this case no consents have been given.

- 6.2 Regulation 8 of the Regs 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 Regs. It is considered that a DN should be served for the cessation of the continued use of this site.
- 6.3 It is an offence to display without consent, an advert that requires express consent under the Regs. A prosecution can be brought under Section 224(3) of the Town and Country Planning Act 1990, (the Act) in such circumstances. A prosecution could be brought for any new illegal displays following discontinuance action. Before taking such action officers would give written warnings beforehand for any first time offenders. Displayers already given warnings could be prosecuted.
- 6.4 Section 225 of the Act gives the power to 'remove or obliterate' posters and placards. This power isn't appropriate here due to the site having 'deemed consent' under the Adverts Regs.

## 7 EQUAL OPPORTUNITIES

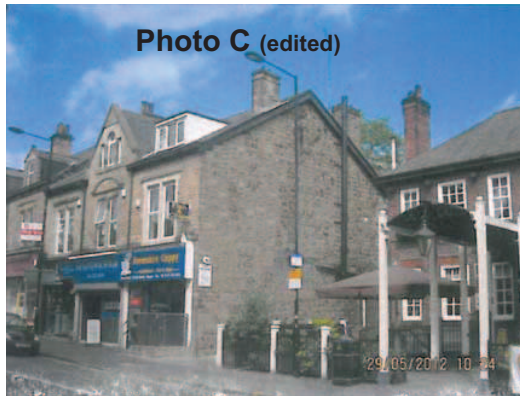
- 7.1 There are no equal opportunity implications arising from the recommendations in this report.

## 8 FINANCIAL IMPLICATIONS

- 8.1 Section 223(1) of the Town & Country Planning Act 1990, makes provision for the payment of reasonable expenses when claimed, for the cost of removing an advertisement, following enforcement action, which existed on 1<sup>st</sup> August 1948. Any costs arising will be met from the existing planning revenue budget.
- 8.2 This will not apply in this case. Although the site has the benefit of deemed consent, this particular advert is known to have been hung on the site within the last few years and there is no supporting structure to remove; the advert being a flat single piece of material fixed directly to the wall.

9. RECOMMENDATION

9.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action, the service of a Discontinuance Notice and the institution of legal proceedings to secure the discontinuance of the use of the site, currently occupied by the 'Claypenny – Premium Student Housing' advert, on the flank wall of 280 Ecclesall Road for the display of advertisements including the removal of the existing advert.



David Caulfield  
Head of Planning

29 May 2012

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