



SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee Report

Report of: Director of Development Services

Date: 04.02.2013

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary: Illegal signs at 227 and 229 Abbeydale Road.

Reasons for Recommendations

Signs do not benefit from deemed consent and are contrary to UDP policies S11 and BE13. The signs are inappropriately located at a high level causing excessive harm to neighbouring residential properties and creating a cluttered appearance in the street scene that is detrimental to the character of the area.

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including the institution of legal proceedings to secure the removal of the first floor signs at 227 and 229 Abbeydale Road.

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

ILLEGAL ADVERTISEMENTS AT 227 & 229 ABBEYDALE ROAD, S7 1FJ

1. PURPOSE OF THE REPORT

- 1.1. The purpose of this report is to inform Committee Members of breaches of planning control and to make recommendations on any further action required.

2. BACKGROUND & LOCATION

- 2.1. 227 and 229 Abbeydale Road are two storey brick terraced properties. East and West is located at the ground floor at 227 and is a restaurant (A3 use). Talk Time is a mobile communications shop (A1 use) located in the ground floor unit at 229 Abbeydale Road. This block of Abbeydale Road is a mix of retail, financial and professional, and food and drink outlets with first floor flats. 227 and 229 are both in the same ownership.
- 2.2. To the north and south of this block of mixed use units on Abbeydale Road lie areas of terraced housing.
- 2.3. A complaint was received in March 2012 regarding a new illuminated projecting sign at 229 Abbeydale Road advertising Talk Time (see Appendix A). The sign was internally illuminated and causing excessive light into neighbouring flats. On inspection, several signs were identified as illegal at both 227 and 229. Each unit had a projecting illuminated sign at first floor window level (Appendix A and B). A sign above each shop front was illuminated by each character however additional strip lighting had been fitted to further illuminate the signs (see Appendix C). There was also an illuminated forecourt sign (see Appendix D).
- 2.4. A letter was sent to the owner of 227 and 229 Abbeydale Road and to the Company Secretaries at East and West and Talk Time. The letter dated 21st March 2012 advised the signs did not benefit from deemed consent and identified those signs that were not considered acceptable and must be removed (within 28 days), and also those that may be considered through an advertisement consent application.

- 2.5. The Company Secretary of East and West responded and arranged a site visit on 11th April 2012. He had inherited the signs but was agreeable in complying with the Council's requests. He agreed to speak to the company secretary of Talk Time who had fitted the strip lighting at 227 & 229. The strip lighting was shortly disconnected and removed from 227. He also said he was happy for the owners to remove the projecting illuminated sign and the forecourt sign as he was not responsible for them but had been invited to utilise them.
- 2.6. No response was received from the owner of the properties, nor was a response received from the company secretary of Talk Time.
- 2.7. A reminder was sent on 02 July 2012. The reminder advised the 2 projecting illuminated signs, illuminated forecourt sign and strip lighting illumination (now just above the shop window at 229) were illegal and must be removed, and the letter provided a warning of potential prosecution.
- 2.8. The company secretary at 229 made contact and agreed to remove the forecourt sign and prevent illumination of the large projecting sign at 229 as a matter of priority. This was completed by the 10th July, removing the more harmful of the breaches and the original source of complaint at the address.
- 2.9. The company secretary was aware that although the illumination had been removed, the size and location of the projecting sign was not appropriate and the sign would need to be removed. Reluctance to remove the projecting sign was expressed due to the presence of similar projecting signs in the locality. It was agreed that neighbouring illegal illuminated signs should also be targeted. An area of Abbeydale Road was identified to target illegal signs at first floor level. Nine further properties between 166 and 245 Abbeydale Road have been contacted requesting the removal of illegal signage above ground floor level to ensure fairness in light of the demands made on 227 and 229.
- 2.10. A new complaint was received in October 2012 regards the projecting Talk Time sign causing problems for neighbouring properties. A site inspection confirmed that the sign had once again become illuminated. The owner was contacted and in response, made apologies and stated that the sign would be permanently disconnected from an electricity supply. At the time of this report, the sign remains illuminated. The East and West sign at 227 has remained illuminated throughout although it is smaller and has a lower luminosity than that at 229.

3. REPRESENTATIONS

- 3.1. Two complaints have been received from separate sources regarding the nuisance caused by the illumination of the projecting sign at 229 Abbeydale Road.

4. ASSESSMENT OF THE BREACHES OF CONTROL

- 4.1. 227 and 229 Abbeydale Road both display illegal projecting signs as they do not benefit from deemed consent under Schedule 3, Part 1, Class 4B, *Illuminated advertisements on business premises* and Class 5, *other advertisements on business premises*, of the Town and Country Planning (Control of Advertisements) Regulations 2007.
- 4.2. Class 4B specifies that;-
 (8) No point of the advertisement may be higher above ground level 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower
 (10) Illumination may be –
 by halo illumination, or
 so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.
- 4.3. Both signs are illuminated or have the potential to be illuminated and do not meet the conditions of deemed consent under class 4B
- 4.4. In addition – if the signs were to become or remain non-illuminated, they still require consent under Class 5
- 4.5. *Class 5 Advertisements on business premises must not:*
 (5) (a) *Have its highest part more than 4.6 metres above ground level the bottom level of any first floor window in the wall on which the advertisement is displayed*
- 4.6. The signs are contrary to planning policy BE13 of the Unitary Development Plan. BE13 (b) (ii) only allows for illuminated advertisements if they would not be a traffic hazard nor harm the character or appearance of the area and (c) (ii) not harm living conditions or the character or appearance of the area due to size, colour or intensity of the light.
- 4.7. The signs in question cause a light intrusion nuisance in the immediate adjacent flats. The flats have main outlook windows within approximately 1.2 metres of the signs, which will undoubtedly cause significant nuisance to the occupants of the flats.
- 4.8. Projecting signs should be incorporated into the shop front, preferably in line with the fascia sign, such that all signage is contained within the lower portion (ground floor) of the shop unit. Randomly located high level signage such as these two examples results in an uncoordinated appearance and clutter within the street scene.
- 4.9. The signs are inappropriately located at a high level on the building frontage which detracts from the appearance of the building and increases the signs prominence. They result in a cluttered arrangement of signs within the front elevations of the properties to the detriment of the quality of the street scene.

4.10. There are other examples of high level signage in the area which are being dealt with as a separate matter and will be the subject of a future report; this should not carry any weight in considering the appropriate course of action.

4.11. Officers recognise the need for businesses to advertise, especially in the current economic climate, however the current signs cause harm to neighbouring occupiers and to the streetscene, and an alternative design and location for the signs would be acceptable.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1. 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 in such circumstances. A prosecution could be brought against the illegal signs identified above ground floor level at 227 and 229 Abbeydale Road.

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 the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, the instigation of legal proceedings in relation to (i) the illegal display of the projecting illuminated sign at 227 Abbeydale Road to prevent its continued display and (ii) the illegal display of the projecting sign at 229 Abbeydale Road.

8.2. The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Appendix A – Talk Time projecting sign, 229 Abbeydale Road



Appendix B – East and West projecting sign, 227 Abbeydale Road



Appendix c – Strip lighting



Appendix D – Forecourt Sign now removed



