



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 Dore Masonic Hall

Reasons for Recommendations

Signs do not benefit from deemed consent and contrary to UDP policy BE13.

The local planning authority's power to control advertisements under the regulations may be used only in the interests of "amenity" and "public safety". In this case, given the factors relevant to public safety and amenity, no significant harm can be found and therefore no further action can be justified.

Recommendations:

That members resolve to take no further action in respect of the unauthorised signage.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

REPORT ON AN ILLEGAL SIGN AT DORE MASONIC HALL, S17 3LA

1. PURPOSE OF THE REPORT

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

2. BACKGROUND / LOCATION

- 2.1. Two small directional signs are located at the Dore Road entrance to the Masonic Hall on Woodlands View, see location plan. The area surrounding the site is predominately residential in character.
- 2.2. The lane is a private lane owned by Dore Masonic Hall Company Ltd. The Hall is not visible from Dore Road.
- 2.3. The two signs have been present for an unconfirmed and undisputed period of roughly 30 years however the frames on which the signs were displayed were damaged and were replaced in 2012. The replacement frames were not sited in the exact same position as had previously been mounted. See Appendix C to F for street views of original and new sign positions. As such, the signs require advertisement consent.
- 2.4. A complaint was received regarding the new positioning of sign A, adjacent to the privately owned wall of number 7 Dore Road. The new position is approximately 30cm higher and 1metre closer to the highway than its previous location. Its distance to the footpath is 2.2 metres and it is set back 4.4 metres from the road. The boundary wall to number 7 stops in excess of 2.5 metres from the footpath and therefore, the new position of sign A extends beyond the private wall by approximately 37cm. The complainant felt this new position was unsightly and a danger to vehicles reversing out of the driveway at number 7.
- 2.5. No complaint has been raised over the repositioning of sign B on the opposite side of the private lane.
- 2.6. Dore Masonic Hall state the refurbished sign has unfortunately and unintentionally been put back in a slightly different position, however they do not wish to apply for advertisement consent for sign A the sign in its current position.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1. It is our opinion that the signs fall within Class 2 (A), an advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed. Deemed consent is limited to the advertisement being no larger than 0.3 square metres in area. Class 2A refers to a single sign.
- 3.2. In relation to Class 2 (A), both Sign A and Sign B exceeds 0.3 metres square.
- 3.3. Under application, the signs in question would be tested against the Policy BE13 of the Sheffield Unitary Development Plan, BE13 states signs will be permitted only if they would (a)(i) not be a traffic hazard; and (ii) not harm the character or appearance of the area ; and (iv) be well designed with landscaping, fencing and screening on associated land, where possible.
- 3.4. An assessment of Sign A - Sign A is a plastic board sign set within a metal frame, mounted on two metal posts. The sign is clearly intended to serve as a directional sign for the Dore Masonic Hall. The sign itself is non-illuminated and has dimensions of approximately 2 metres in width by 0.56metres in height. With the supporting legs the overall height of the sign from ground level is 1.19 metres.
- 3.5. The sign is positioned adjacent to a party boundary wall (owned by the neighbour – at number 7 Dore Road). The sign is set against a backdrop of a brick-built boundary wall (of approximately 1 metre in height) with a coniferous hedge above. Although not ideal, a small section of the sign (37cm) does project beyond the end of the party boundary wall, however it should be noted that the party boundary wall is set back from the back edge of the public highway by approximately 2.57 metres. Ideally, officers consider that it would have been better if the sign had aligned with the edge of the party boundary wall, however, if an application were to have been submitted, officers do not feel that a refusal could be justified on this point alone. Particularly as the party boundary wall is considerably set back from the back edge of the public highway. Because the sign is positioned deep into the site, there are no long distance views of the sign from the east.
- 3.6. From a visual perspective, officers consider that the sign will have a minimal impact on the street-scene or on the visual amenities of any local residents.
- 3.7. A concern has been raised by the adjoining neighbour (at no. 7 Dore Road) that the new position of the sign has a detrimental impact on highway safety (due to reduced visibility) however, due to the fairly low-level position of the sign (1.19 metres from ground level) and, the significant distance that the sign is set back from the back edge of the public footpath, officers do not feel that the position of the sign will have a detrimental impact on visibility or highway safety.
- 3.8. On balance, sign A is considered to be acceptable in this instance.
- 3.9. An assessment of Sign B - Sign B is also a plastic board sign set within a metal frame, mounted on one metal post. The sign is also clearly intended to serve as a directional sign for the Dore Masonic Hall. The sign itself is non-illuminated and has dimensions of approximately 0.91 metres in width by 0.65 metres in height. With the supporting leg the overall height of the sign from ground level is 1.5 metres.

- 3.10. The sign is positioned adjacent to a party boundary wall (owned by the neighbour – at number 3 Dore Road). The sign is set against a backdrop of a low-level natural stone wall with a high boundary hedge behind.
- 3.11. From a visual perspective, officers consider that the sign will have a minimal impact on the street-scene or on the visual amenities of any local residents.
- 3.12. Officers also consider that the new position of Sign B will have no detrimental impact whatsoever on visibility or on highway safety.
- 3.13. In this regard, officers feel that sign B is considered to be acceptable.
- 3.14. The local planning authority's power to control advertisements under the regulations may be used only in the interests of "amenity" and "public safety". In this case, given the factors relevant to public safety and amenity, no significant harm can be found and therefore no further action can be justified.

4. REPRESENTATIONS

- 4.1. One complaint has been raised in relation to sign A. The complaint concerned the untidy appearance of the sign protruding from the end of the wall. The complaint also concerned poor visibility for vehicles on egress from the drive.

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 sign.
- 5.2. Prosecution is based on the classification of the sign as a directional sign under class 2A, however this could be contested, arguing that the sign could be classified under Class 6, Signs on a forecourt.

6. EQUAL OPPORTUNITIES

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

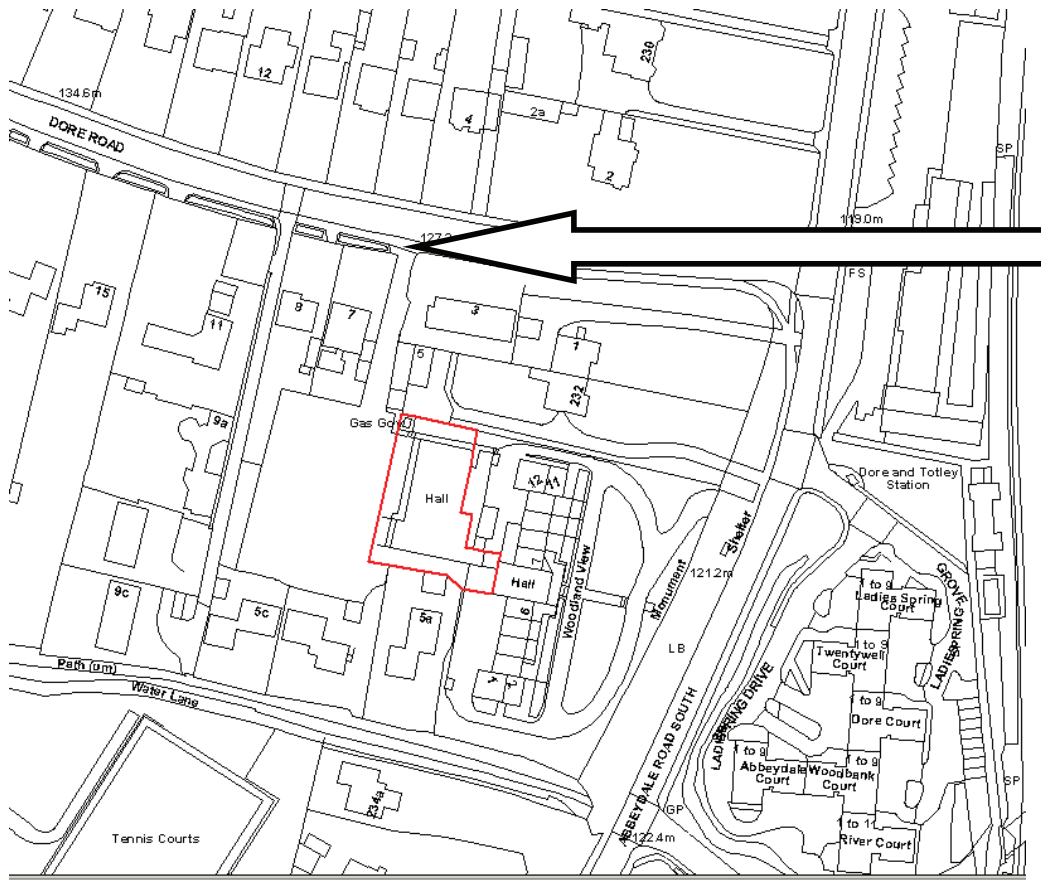
7. FINANCIAL IMPLICATIONS

- 7.1. There are no financial implications arising from the recommendations contained in this report.

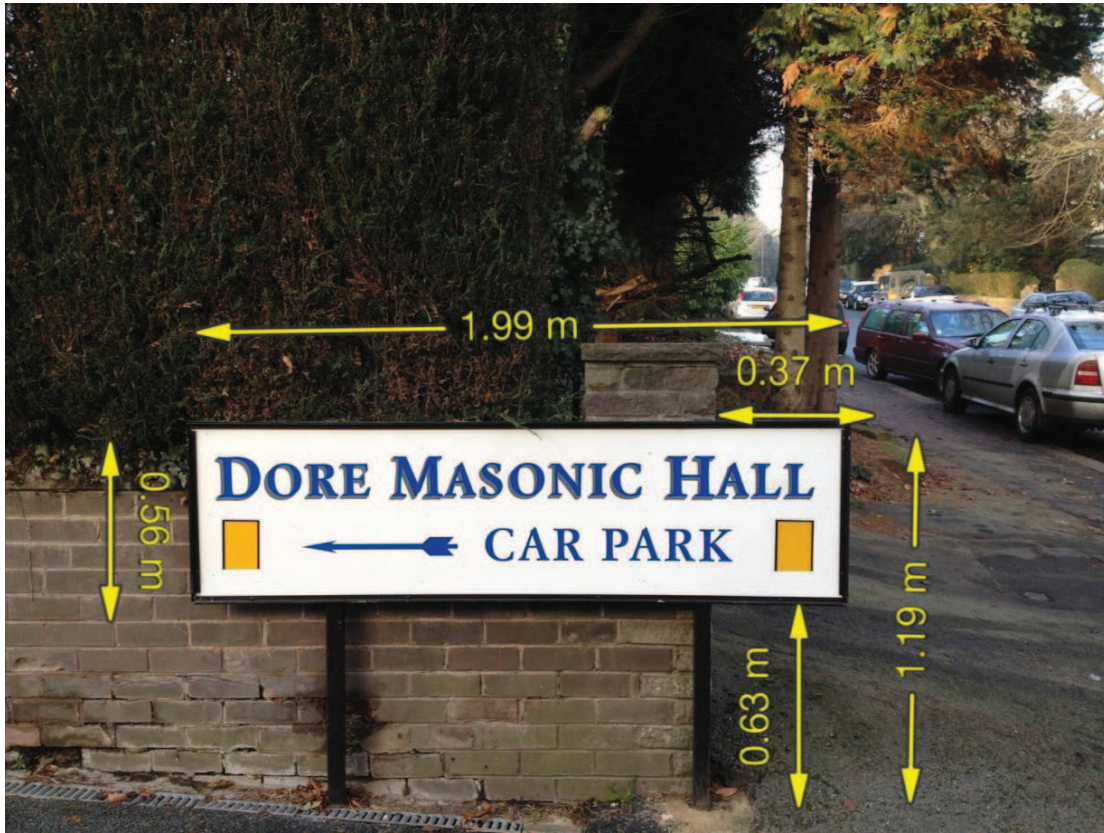
8. RECOMMENDATION

- 8.1. That members resolve to take no further action in respect of the unauthorised signage.

Appendix A Location Plan



Appendix B - Sign A



Sign B



Note - Broken line indicates boundary with public footpath on Appendix C to F

Appendix C - Original location of Sign A facing West along Dore Road



Appendix D - Current Location of Sign A facing West along Dore Road



Appendix E - Original location of sign B facing East along Dore Road



Appendix F - Current Location of sign B facing East along Dore Road



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