

P/10/1004/A - Unauthorised erection and display of advertisements (flyposting) at Rye Street; St James' Way; South Street and Southmill Road Bishop's Stortford by Scoria Fireplaces, Unit 7 Southmill Trading Centre, Southmill Road, Bishop's Stortford, CM23 3DY

Parish: BISHOP'S STORTFORD

**Wards: BISHOP'S STORTFORD MEADS
BISHOP'S STORTFORD SOUTH
BISHOP'S STORTFORD CENTRAL**

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence action under Section 224 of the Town and Country Planning Act 1990 to prosecute the offender in respect of this unauthorised advertising and any similar or further unauthorised advertising carried out by this company within the District of East Hertfordshire.

Reasons why it is expedient to commence legal proceedings:

1. The signs, by reason of their location adjoining Rye Street; St James' Way; South Street and Southmill Road Bishop's Stortford, together with their materials of construction and colour, are visually distracting to road users, thereby likely to create a danger and hazard to safety on these busy roads, and are therefore contrary to policy ENV29 of the East Herts Local Plan Second Review April 2007.
2. The signs, by reason of their siting and materials of construction are detrimental to the visual amenity and character of the area, and are thereby be contrary to policy ENV29 of the East Herts Local Plan Second Review April 2007

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1.0 Background

- 1.1 The sites are shown on the attached Ordnance Survey extracts. They are all on or adjoining the highway and were used for flyposting advertising by the Scoria Fireplaces company.
- 1.2 On 24th February 2010 planning enforcement officers were undertaking a routine patrol of the district with the intention of removing unauthorised advertisements on public display, particularly those on major routes.

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- 1.3 These patrols are underpinned by recent research published by Brunel University¹ demonstrating that roadside advertising can be detrimental to driver concentration and safety. This published research states that conservative estimates indicate that external driver distractions are responsible for up to 10% of all road accidents.
- 1.4 The enforcement officers saw a number of roadside advertisements for Scoria Fireplaces in the above locations within Bishop's Stortford. These advertisements were in the form of corrugated plastic boards carrying photographs of two fireplaces, the name and address of the company and the words 'showroom open'.
- 1.5 The signage in Rye Street and St James' Way was attached to street furniture by plastic cable ties. This signage was removed by the officers. The signage in South Street was in two separate locations, two signs were attached to the totem sign of the former petrol station at 114 South Street adjacent to the highway (behind weldmesh fencing) and another on an 'A' board attached to a lamppost on the corner of Southmill Road. A final sign was seen attached to the palisade fencing around the utility company yard near the entrance to the Southmill Trading Centre. It was not possible to remove these signs.
- 1.6 Officers were aware that advertisements for this company were removed on a previous 'poster patrol' on 12th October 2009. On 13th November 2009 a letter was sent to the company informing them of this and the restrictions placed on the display of advertisements. The company were also warned that further instances of flyposting would be reported to Committee requesting authorisation for authority to issue summonses.
- 1.7 A further letter was sent to the proprietor on 26th February 2010 informing him of officers' actions and their intention to refer the case to Committee. In an undated reply, received on 3rd March 2010, the proprietor apologised for not removing the posters attached to street furniture and questioning the Council's right to control advertising on private land.
- 1.8 A further site visit carried out by officers on 16th March 2010 however revealed that the signs in South Street and Southmill Road were still being displayed.
- 1.9 Photographs of this unauthorised signage will be available at the meeting.

¹ Young, Dr Mark S. 2007, Driven to Distraction: Determining the Effects of Roadside Advertising on Driver Attention, Brunel University

2.0 Planning History

2.1 There is no relevant planning history.

3.0 Policy

3.1 The relevant policy in this matter is:-

ENV29 – Advertisements outside conservation areas

4.0 Considerations

4.1 In this matter, the main issue to be considered is the impact of the signage upon both driver safety and visual amenity in the wider areas of Bishop's Stortford in which the advertisements lie.

4.2 Officers' consider that the unauthorised signage is visually distracting to road users and is thereby likely to create a danger and a hazard to safety on these busy roads.

4.3 Officers' also consider that the unauthorised signage is visually intrusive in the environment, and out of keeping with the character of the areas in which they are displayed. As such, it is also contrary to policy ENV29 of the East Herts Local Plan.

5.0 Recommendation

5.1 It is therefore recommended that authorisation be given to prosecute the advertiser in this case, who has recently been warned for similar offences. In addition, authority is also sought for that prosecution to include any further or similar advertising in the District by this particular company.