

Item No 8.

Enforcement No: E/05/0132

Type:	Unauthorised display of advertisement	Date of Complaint:	14 th September 2005
Developer:	Bantock Flowers Ltd		
Breach:	Display of advertisement without express consent		
Location:	A6 Bishop Meadow Road Island.		
Parish:	Loughborough	Ward:	Loughborough Hathern
Case Officer:	Miss E Shaw	Extension:	634736

Description of the Unauthorised Development

The display of a large, non-illuminated banner sign, relating to the wholesale warehouse occupying unit 8 which backs on to the landscaped area on which the sign is located.

Development Plan Policies and other material considerations

- **Development Plan Policies**

See previous item

- **Other Policies**

PPG 18, Enforcing Planning Control, gives advice about planning enforcement. It advises that the decisive issue in considering enforcement action should be whether the breach of control is unacceptably affecting public amenity or the existing use of land or buildings.

- **Other Material Considerations**

The issue of **human rights** is a material consideration in the determination of planning applications and enforcement issues. Article 8 of the Human Rights Act 2000 requires respect for private and family life and the home while Article 1 of the First Protocol provides an entitlement to peaceful enjoyment of possessions. However, these rights are “qualified”. It is necessary to consider whether refusing planning permission and/or issuing an enforcement notice would interfere with the developer’s human rights. If it would, the Committee must decide whether any interference is in accordance with the law, has a legitimate aim and is proportionate.

The impact on the human rights of the developer must be balanced against the public interest in terms of protecting the environment and the rights of other people living

in the area. In this case, the balance points to detrimental effect the display of the advertisements has on the street scene.

Relevant Planning History

See previous item

Responses of Statutory Consultees

See previous item

Other Comments Received

None

Consideration of the Planning Issues

The application for Advertisement Consent has been recommended for refusal as the advertisement currently displayed is large, brightly coloured and occupies an elevated position, and so is considered to be unduly prominent and incongruous in the street scene. The advertisement, due to its size and siting would also be liable to distract drivers on the A6 as they approach the roundabout to the detriment of highway safety. It is therefore considered expedient to take action to secure its removal.

It is suggested that the owner be given one month to remove the unauthorised advertisement otherwise prosecution in the Magistrates Court be authorised.

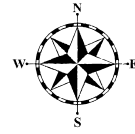
RECOMMENDATION:

Authorise Legal Action

authorise the Assistant Chief Executive (Risk Management) to institute proceedings under Section 224 of the Town and Country Planning Act 1990 and the Control of Advertisements Regulations 1992 to secure the removal of the unauthorised display of the advertisement; in the event that it continues to be displayed one month following the date that due warning of the same is given to the applicant.



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Location: A6 Bishop Meadow Road Island, Loughborough
Scale: 1:1250

