



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 8 March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: E/2011/0100

SITE: Corner of Tanner Street with St. Peters Way
Northampton
NN1 1TF

WARD: Castle

REFERRED BY: Head of Planning

REASON: Breach of planning control

DEPARTURE: N/A

ENFORCEMENT MATTER:

1. RECOMMENDATION

1.1 That the Solicitor to the Council be authorised to instigate prosecution proceedings in respect of the unauthorised advertisements pursuant to Section 224a of the Town and Country Planning Act 1990 (as amended) and to take any other necessary, appropriate and proportionate enforcement action pursuant to this provision within the Act in order to bring about the proper planning control of the land.

2. THE BREACH OF PLANNING CONTROL

2.1 Unauthorised advertisements have been erected at the site without the benefit of advertisement consent. The advertisements are considered to cause harm to the character and appearance of the area.

3. SITE DESCRIPTION

3.1 The property is situated on the periphery of the town centre and adjacent to St. Peters Way, which serves as one of the main routes into Northampton. The host building is of a relatively simple design

comprising two storeys and a flat roof with a large flank elevation fronting Tanner Street and was formerly Oddbins Warehouse.

4. PLANNING HISTORY

- 4.1 Originally the Council was in receipt of a complaint from a nearby resident about the erection of a hoarding in October 2009.
- 4.2 Following contact from the Council's planning enforcement section a retrospective application to display an advertisement was made and subsequently refused on 2 February 2010.
- 4.3 An appeal was lodged and dismissed by the Planning Inspectorate on 21 July 2010 by reason that: "...the advertisement subject of this appeal is too large and dominant and so harms the character and appearance of the area".
- 4.4 Letters have been sent to the company responsible for the display of the advertisement requesting the removal but to date not only has the hoarding remained but a further banner has been added.

5. PLANNING POLICY

- 5.1 The advertisements by reason of their size, siting and general appearance are contrary to the aims and objectives of PPG19 – Outdoor Advertisement Control and Policy E36 of the Northampton Local Plan.

6. CONSULTATIONS/REPRESENTATIONS

- 6.1 Not applicable.

7. APPRAISAL

- 7.1 The unauthorised erection of these advertisements is wholly unacceptable and visually detrimental to the amenity of the area.
- 7.2 The beneficiaries of the advertisements are unwilling to remove the advertisements despite their assurances that they would remove them.
- 7.3 Pursuant to the provisions of Section 224 of the Town and Country Planning Act 1990 (as amended) a Local Planning Authority can instigate prosecution proceedings against the person who erected the sign **and** the owner of the land **and** the beneficiary of the advertisement.
- 7.4 The unauthorised display of an advertisement is punishable on conviction in a magistrates' court by a maximum fine of £2,500 plus £250 a day on conviction for a continuing offence.

8. CONCLUSION

- 8.1 The unauthorised display of these advertisements are causing a detrimental effect to amenity. Planning enforcement action by the Council would bring about the removal of the unauthorised advertisements and remedy the breach of planning control.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The Human Rights Act 1998 introduces a number of rights contained in the European Convention on Human Rights. Public bodies such as the Council have to ensure that the rights contained in the Convention are complied with. However, many of the rights are not absolute and can be interfered with if sanctioned by law and the action taken must be proportionate to the intended objective. In this particular case Officers' views are that seeking to take action in respect of a perceived loss of amenity to nearby residents and occupiers is compliant with the Human Rights Act 1998 because the harm to the wider community clearly outweighs the harm (in human rights terms) to the owner and the beneficiaries of the advertisements.

10. LEGAL IMPLICATIONS:

- 10.1 Usual costs will be met from within the existing budget. However, a costs application can be made to the Courts in respect of any successful prosecution proceedings.

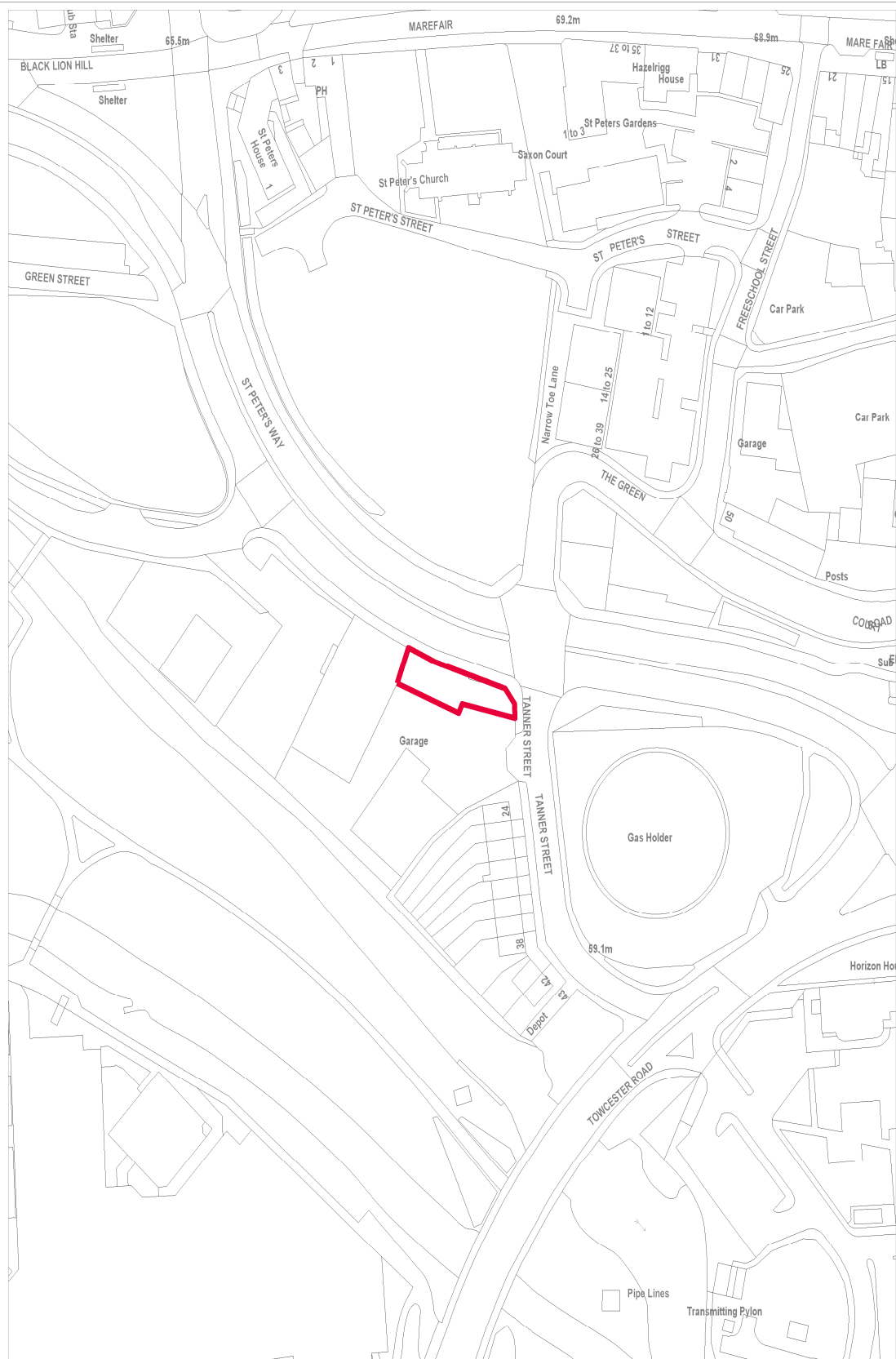
11. BACKGROUND PAPERS

- 11.1 E/2009/719, E/2011/100 & N/2009/1036

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Carol Tuckley	15/02/2011
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Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title
Corner of Tanner Street and St Peter's Way

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