



**Land at the Junction of Roman Road and Worting Road, Basingstoke
Enforcement report - EC/18/00374/UD2**

Report to	Development Control Committee
Ward(s):	Buckskin
Key Decision:	No
Appendices:	Appendix A – Location Plan Appendix B – Photographs

1 This Report

- 1.1 This report is to seek approval to undertake direct action to secure removal of an unauthorised advertisement and ancillary paraphernalia erected on a parcel of land known as Land at the Junction of Roman Road and Worting Road, Basingstoke. The council constitution does not provide delegation to officers for the taking of direct action.
- 1.2 The report provides Members with an overview of the planning and enforcement history which has sought to resolve a breach of the Advertisement Regulations.
- 1.3 The advertisement, subject to this report, measures 6.4 metres in width, 3.35 metres in height (excluding the 1.3 metre concrete block it has been placed upon) and 0.15 metres in depth (0.3 if the steel upright is included in the depth). The advertisement has been in situ since October 2018 and has displayed various business advertisements.

2 Recommendation

2.1 It is recommended that:

Members of the Development Control Committee approve the following:

- To grant authority to take direct action, to secure the removal of the unauthorised signage and ancillary paraphernalia.



3 Background, corporate objectives and priorities

- 3.1 This report accords with the council’s Budget and Policy Framework and directly supports the Council Plan to maintaining and enhancing the built environment.

4 Assessment

Site

- 4.1 The site is located within the settlement boundary in a prominent location, adjacent to the railway bridge which provides access to the Worting Conservation Area. The site is west of the Moniton Trading Estate and east of the vehicular tunnel which leads under the railway lines. To the south is the end of Old Kempshott Lane which is blocked off by bollards.
- 4.2 The land ownership is unknown as the land has not been registered at the Land Registry. However, it does form part of the public highway.

Enforcement and Planning History

- 4.3 In October 2018, the planning enforcement team received a complaint regarding the erection of a large freestanding sign, displaying advertisements.
- 4.4 Investigations were undertaken and an application to regularise the advertisement, under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, was requested and submitted.
- 4.5 The application for Advertisement Consent was refused on 11 January 2019, ref: 18/03151/ADV, for the following reason and no appeals have been lodged;
- 4.6 The reason for refusal is set out below:-

“The proposed sign, by virtue of its size and design, would have a harmful impact on the character and visual amenity of the character of the area and would be contrary to the guidance contained within the National Planning Policy Framework (July 2018), Policy EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document (July 2018)”.

- 4.7 The application was refused under delegated authority and a recommendation to initiate enforcement action was noted within the officer’s report. The

requirements included the removal of the signage, concrete block and steel uprights.

- 4.8 Following the refusal of the application, council officers have engaged in various discussions with the applicant in order to secure the voluntary removal of the unauthorised signage and associated paraphernalia. No attempts have been made, by the applicant or advertiser, to comply with the council's request.

Expediency

- 4.9 The proposal is contrary to Local Plan policy EM10 as it fails to respect the local environment by virtue of the design and size. The advertisement is considered to have an adverse impact on the visual amenity of the area and that of the approaching Worting Conservation Area. In addition, it does not make a positive contribution in the street scene.
- 4.10 Attempts have been made to secure the voluntary removal of the signage; however, this has not been achieved to date. Whilst consideration could be given to other enforcement powers i.e. prosecution proceedings this would not necessarily result in the cessation of the breach, and would result in additional officer time.
- 4.11 In addition, it is noted that the applicant did not obtain permission to erect the signage on highway land and is therefore benefitting from an income derived illegally. The removal of the signage would ensure that all income received, from this unauthorised activity, would cease with immediate effect.
- 4.12 For the reasons set out above it is considered appropriate and proportionate to seek the removal of the signage and paraphernalia.

Proposed Action

- 4.13 It is considered expedient to remove the advertisements and ancillary paraphernalia as the signage is contrary to the Basingstoke and Deane Local Plan 2011-2029 policies, the National Planning Policy Framework and supplementary planning documents and guidance, as set out in the above reason for refusal.
- 4.14 Section 225 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, allows for direct action to be taken in order to secure removal of unauthorised signage. Officers have, in discussion with Legal colleagues, explored various other enforcement avenues including 'do nothing' which is not considered appropriate given the harms identified, continued discussion which as set out below has not been successful (and it is for that reason not considered appropriate), and prosecution which would

result in additional cost and Officer time. Direct action is therefore considered to be the most appropriate, in this instance.

- 4.15 As no attempts have been made to voluntarily remove the signage, it is proposed that direct action should be taken to secure its removal.

Corporate Implications

5 Legal Implications

- 5.1 A considerable amount of officer resource has been spent on this matter without a resolution having been attained. As with all planning enforcement related decisions, the option to take direct action could be legally challenged in the Magistrates Court

6 Financial implications

- 6.1 The financial implications in relation to this matter will include the cost of removing and storing the advertisement and ancillary paraphernalia.
- 6.2 A quotation to remove the signage and ancillary paraphernalia has been obtained from a local contractor and would not exceed £5,000.00 plus VAT. In addition, an undertaking has been received from Hampshire County Council (Highways) confirming that a contribution towards the cost of securing the removal of the signage would be provided.
- 6.3 The Council would also seek to recover the cost from the applicant and advertisement agency.

7 Risk management

- 7.1 There are no risk implications of this report.

8 Equalities implications

- 8.1 There are no equalities implications of this report.

9 Consultation and communication

- 9.1 Consultations on planning applications and associated appeals are undertaken in accordance with statutory requirements. There are no additional consultation and communication requirements related to this report.

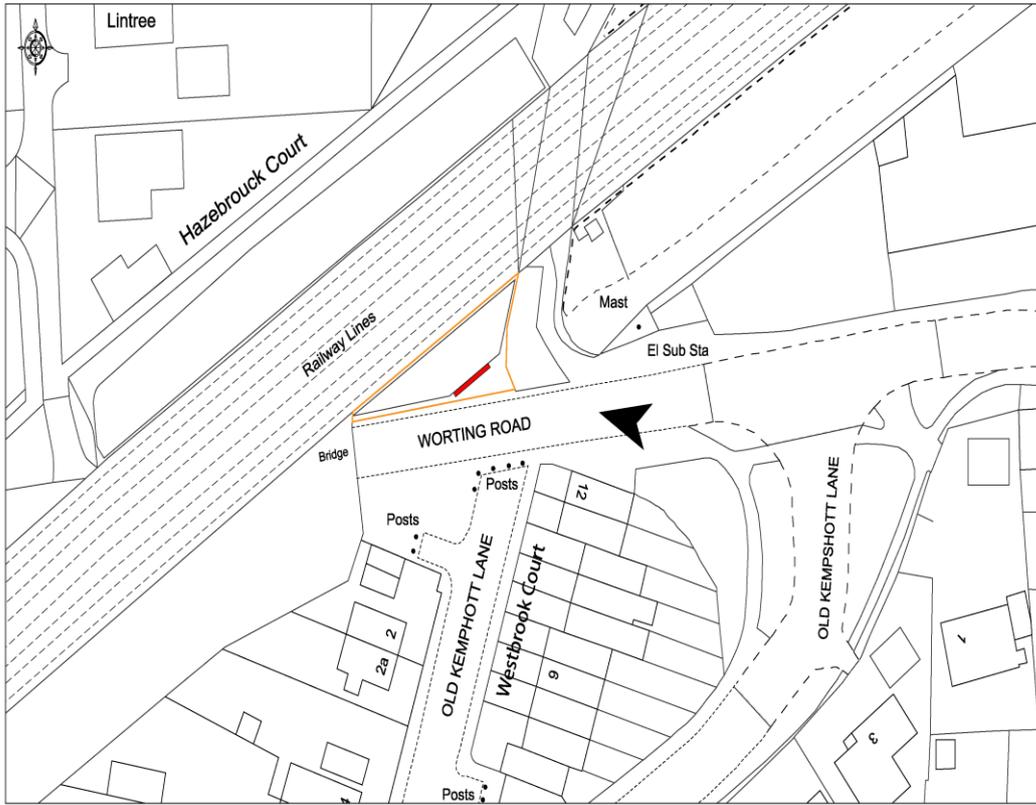
10 HR implications

- 10.1 There are no HR implications related to this report.

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Dated	27/01/2021
Status	
Confidentiality	It is considered that information contained within this report (and appendices) do not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.

Appendix A – Location Plan



- Proposed position of free-standing 48 sheet static display
- Site location

Appendix B - Photographs

