

# CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: North Area Committee

DATE: 01/08/13

WARD: Arbury

## **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

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**186a Victoria Road, Cambridge**

**Illegal display of an advertisement**

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### **INTRODUCTION**

1.1 This report seeks the authority to close an Enforcement Investigation on the grounds that it is not expedient to pursue the offence further.

Site: 186A Beauwater Road, Cambridge.  
See Appendix A for site plan.

Breach: Unauthorised display of non-illuminated adverts

### **2 BACKGROUND (Timeline of Enforcement Investigation)**

2.1 On 23<sup>rd</sup> August 2012 City Council Officers received an enquiry that two signs had been erected at the above premises, which may require advertisement consent.

2.2 Officers contacted the owners of the premises because on the basis of the enquiry it was considered likely that advertisement consent would be required. They were unaware that consent was required and requested a site meeting to discuss the situation.

2.3 A site visit was undertaken to assess the signs on site, which found that two non-illuminated advertisements were displayed above first floor window level without advertisement consent. The property also has a further two signs displayed for a different company on the ground floor level which benefited from deemed consent provisions. Photographs illustrating the signs in question are attached as Appendix B

2.4 During the site meeting it was noted the property is split horizontally into two parts, occupied by separate companies.

2.5 Officers discussed the options open to the occupants to regularise the situation. This included the invitation of a retrospective planning application for advertisement consent.

2.6 The occupants advised that the owners are intending to develop the site in the near future and were therefore reluctant to pay for an application that would only be of benefit to the company for a short period, in what has been an economically challenging time for the business.

2.7 An application to develop the site was received and approved under planning reference 12/0134/FUL for "Change of use from 3 storey office building to three 1-bed flats" in April last year and was amended by planning reference 12/1108/FUL for a change to the design of the roof in October 2012.

2.8 An informal opinion was requested from the planning case officers in relation to the advertisements. The informal opinion provided was that if an application was made, it would be likely to be supported by officers.

2.9 The advertisements in question are not illuminated and would normally benefit from deemed consent provisions if they were displayed under first floor window height. As there is another company occupying the ground floor of the property, it is difficult to relocate the advertisements.

2.8 To date the advertisements remain displayed and are therefore considered to be displayed illegally. No further complaints or enquiries have been received since the original query.

2.9 The current Scheme of Delegation does not permit officers to close investigations that have an outstanding breach of planning control or offence. A decision therefore needs to be taken as to whether formal action should be taken forward or if the particular details of the case concerned are such that it should not be pursued.

2.10 As no consent has been given to display the signs and no application has been received officers have assessed formal proceedings. In the case of advertisements this would involve a prosecution for the illegal display of the advertisements.

2.11 When considering prosecution proceedings officers are obliged to consider if the advertisements are a danger to highway safety or adversely affect local visual amenity. In this particular circumstance officers do not consider that either of the issues are compromised. As such, officers do not consider it would be in the public interest to pursue a prosecution.

2.12 All parties connected to this investigation have been made aware that this report is being put before members for consideration and of the opportunity to make representations to the Committee.

### **3 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

3.1 National Planning Policy Framework states:

‘Paragraph 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

3.2 Enforcement is a discretionary power. The Committee should take into account the planning history and the other relevant facts set out in this report. Officers only recommend the service of an Enforcement Notice when all attempts at negotiating a resolution to remedy the breach of planning control have failed.

3.3 The breach of planning control concerned relates to two non-illuminated signs that are not considered to adversely impact visual amenity or highway safety.

3.4 The informal opinion from planning officers is that the impact of the signs in question is very small and it would have been approved under delegated powers should an application have been made to regularise the situation.

3.5 Officers do not consider that it would be expedient to pursue formal action in this instance.

## **4 RECOMMENDATIONS**

4.1 It is recommended that the Head of Planning Services be authorised to close the investigation into unauthorised operational development at 186A Victoria Road on the grounds that it is not expedient to pursue the matter further.

## **5 IMPLICATIONS**

(a) Financial Implications - None

(b) Staffing Implications - None

(c) Equal Opportunities Implications - None

(d) Environmental Implications - None

(e) Community Safety - None

(f) Human Rights - Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

### **BACKGROUND PAPERS:**

No background papers were used in the preparation of this report:

### **APPENDICES**

Appendix A Site plan

Appendix B Photographs of the unauthorised signs

The author and contact officer for queries on the report is Alison Twyford on extension 7163.

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