



Walsall Council

Development Control Committee
25 April 2006

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

North embankment of Wyrley and Essington Canal, east side of Green Lane,
Walsall
Ref 2004/0787/CMP

1.0 PURPOSE OF REPORT

- 1.1 To advise members of a breach of advertisement control comprising the display of a double-sided poster hoarding, and to request authority to take planning enforcement action.

2.0 RECOMMENDATIONS

- 2.1 To authorise the Assistant Director - Legal and Constitutional Services, to instigate legal proceedings to prosecute the owner(s) and/or occupier(s) and other relevant persons, under Section 224 of the Town and Country Planning Act 1990, in respect of displaying an advertisement without the consent required under the Town and Country Planning (Control of Advertisements) Regulations 1992.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of the non-return of RFI's, be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Transportation.

3.0 FINANCIAL IMPLICATIONS

None arising directly from this report.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

The unauthorised display of an advertisement is an offence under the Town and Country Planning Act 1990, and for most advertisements there is not an enforcement notice procedure under the Town and Country Planning (Control of

Advertisements) Regulations 1992. Prosecution is therefore the normal form of enforcement action for this type of breach.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse impacts.

8.0 WARD(S) AFFECTED

Birchills Leamore

9.0 CONSULTEES

None- though related planning advertisement application was subject to normal consultations

10.0 CONTACT OFFICERS

Philip Wears – Planning Enforcement Team
Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning advertisement application 04/2125/AD/W3
Enforcement file -not published

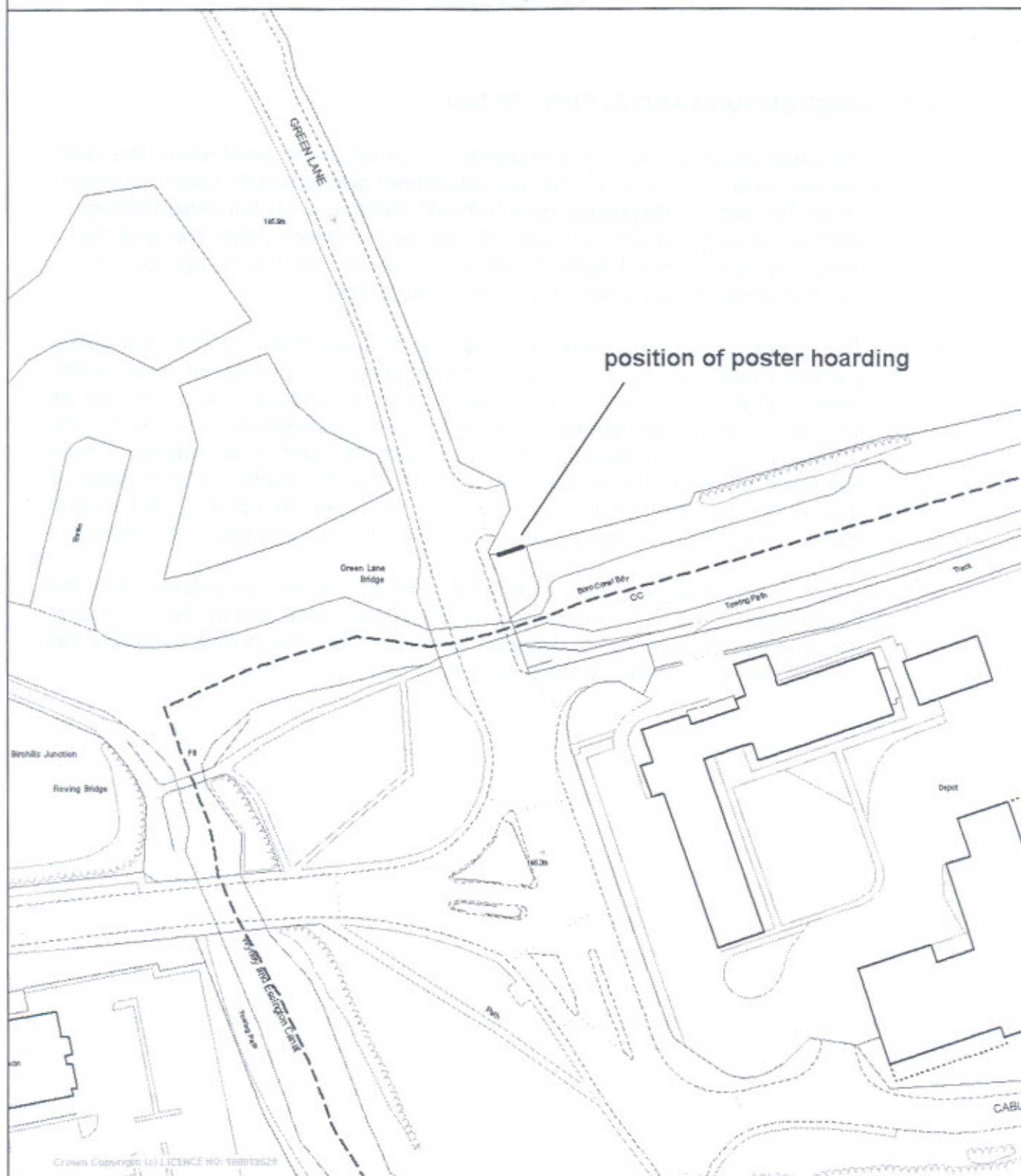
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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 The land comprises an embankment to the canal, at the point where the canal passes under Green Lane. The advertisement poster panels measure about 6m by 3m and are displayed 'back to back', forming a double-sided display structure which is at approximately 90 degrees to Green Lane. Being at the top of the canal embankment, the structure is level with the bridge parapet and has a long range of visibility in the street scene.
- 12.2 The display was erected without a grant of advertisement consent, the poster company considering that it was lawful because it replaced an older poster display on the opposite side of the canal, and the change in location was 'de minimis'. An advertisement application was subsequently made by the company, without prejudice to this argument, and was refused under delegated powers. The officer report noted that no evidence of a previous display on the opposite side of the canal had been found, and that even if found, the location is clearly a new one for which a new consent is needed.
- 12.3 A subsequent appeal was dismissed. The Inspector considered that the display stands out very prominently in the street scene and is also harmful to the amenity value of the landscaped canal corridor. The poster company has been requested to remove the display structure.

Poster hoarding - North embankment of Canal, east side of Green Lane, Walsall



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