



Development Control Committee
25 April 2006

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

KFC Drive-in Restaurant, 10 Wolverhampton Road, Walsall
Ref E05/0786

1.0 PURPOSE OF REPORT

- 1.1 To advise members of a breach of advertisement control comprising the display of an illuminated pole sign, 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 to 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

Pleck

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 05/1841/AD/W2
Enforcement file -not published

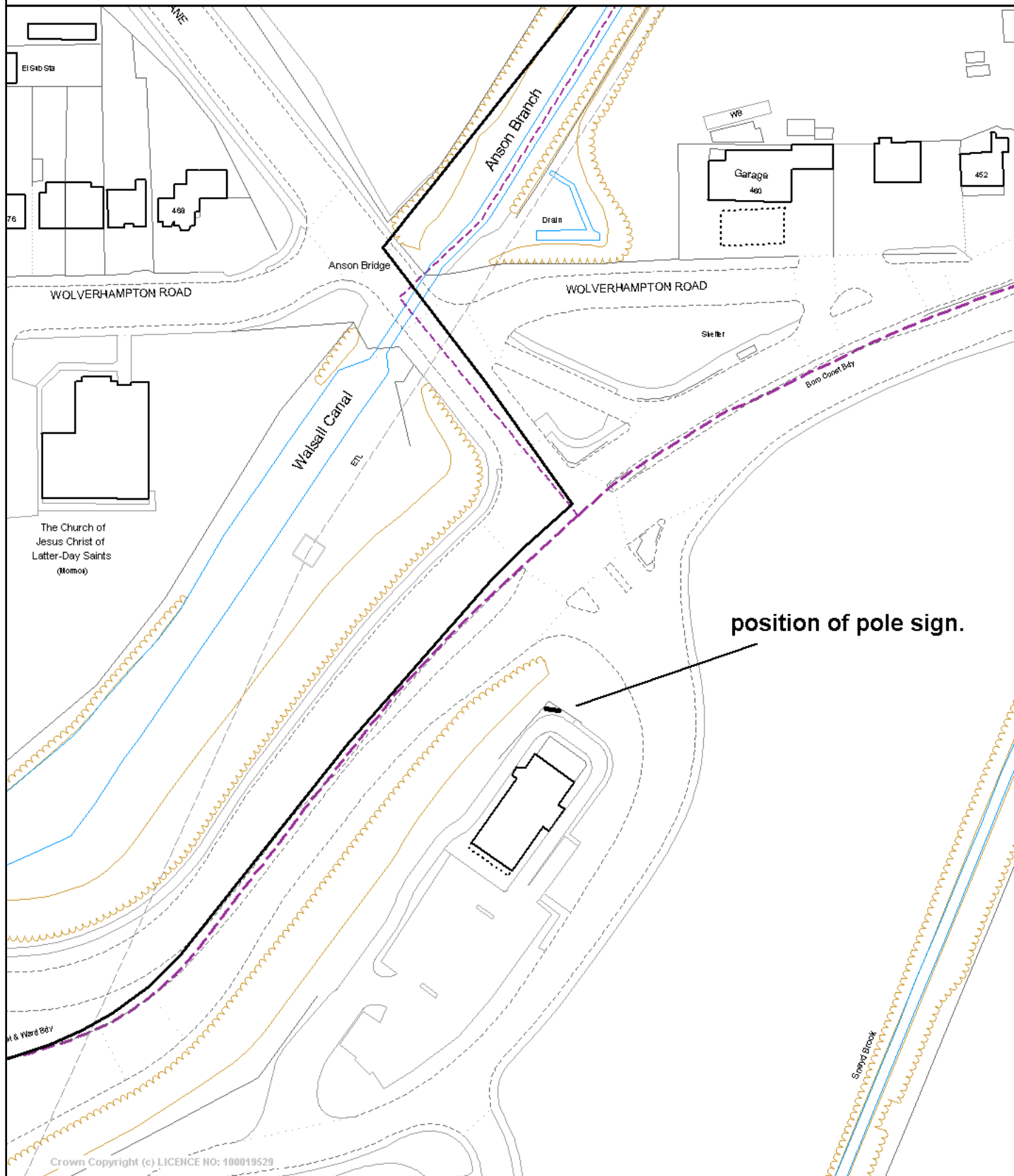
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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 This takeaway / restaurant forms part of a much larger land parcel which is being developed. The building and the adjacent pole sign stand on land at a lower level, adjacent to the rising embankment to the Wolverhampton Road and the Junction10 roundabout on the M6.
- 12.2 The pole sign is approximately 13m high overall and has a head measuring about 4m high by 3m wide. The head carries a pictorial of the 'Colonel Sanders' logo, and is externally illuminated.
- 12.3 The sign was refused consent (delegated) in October 2005, but at about the same time its display began. This involved replacing the head on a previous pole sign and reducing the height of the pole.
- 12.4 An appeal against the refusal was dismissed. (disruption of the appearance of the building , and its discordant and dominant appearance). The owners have been requested to remove the pole sign.
- 12.5 Some unauthorised signboards, including two for KFC, are being displayed at the junction with the adjacent site access road. These are being pursued with the Highways Agency who are thought to be the landowners. They are included in the request for authorisation in the event that this proves unproductive.
- 12.6 As a matter of information, there was a previous pole sign on this site, advertising the former Long John Silvers and A & W Burgers Restaurant, which is also part of KFC. There was a refusal, and a dismissed appeal for that display, but it was converted into the present display before prosecution could be carried through.

Pole sign - KFC, 10 Wolverhampton Road, Walsall



Walsall Council

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LICENCE NO: 100019529

Scale 1/1250 Date 12/4/2006

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