

HONITON ST PAULS
(Honiton)

No. 07/F0532
(Enforcement)

Date complaint received:
08 October 2007

Land Owner:

Land Occupier: Mr Liam Baldry

Location: The Pit Club, Northcote Lane, Honiton

Alleged Breach of
Planning Control: The erection of 3 x 'warning signs'

SITE LOCATION AND DESCRIPTION

'The Pit Club' is situated within the defined settlement boundary of Honiton, and also within the designated Conservation Area.

The building itself is not situated on the main high street, but rather on a side street known as 'Northcote Lane'.

The property operates as a nightclub and consequently has 3 warning signs stating that "In the interest of our neighbours the management kindly request that you refrain from shouting and using abusive language".

BACKGROUND

My attention was drawn in October 2007 to the display of 3 yellow and black warning signs being displayed on the south elevation of The Pit Club, Honiton.

The Planning Enforcement Officer undertook a site inspection on 11 October and photographs were taken. These are attached for the Committee's attention.

The Pit Club was advised by letter on 15 October 2007 advising them of the restrictions under Class 2C of the Advertisement Regulations which permit the display of no more than one advertisement in respect of each premises, provided the sign does not exceed 1.2 square metres in area. A copy of the full class was attached for their information. The owner was advised that Advertisement Consent was required for the retention of two of the additional signs.

A reminder letter was sent on 7 December 2007 and the owner advised the Enforcement Officer on 10 December that it was his intention to remove the signs.

RELEVANT PLANNING HISTORY

App.No:	Year	Proposal	Decision	Date
P0320	2002	Application to display adverts, illuminated replacement sign on side wall	Withdrawn	22.04.2002
P0131	1991	Application to display adverts, fascia/projecting sign	Approval (with conditions)	13.03.1991

P0082	1991	Full application for flat roof over existing storage area	Approval – standard time limit	20.02.1991
P2460	1990	Full application. Fire exit	Approval – standard time limit	01.02.1991
P1433	1984	Application to display adverts. Illumination of the elevation to Northcote Lane.	Approval – standard time limit	30.10.1984
P1327	1983	Full application for construction of additional fire escapes	Approval – standard time limit	21.09.1983
P0777	1983	Application to display adverts. Single sided box sign.	Refusal	24.06.1983
P0463	1981	Full application to incorporate adjoining cottage to provide additional sitting out space and snack bar.	Approval (with conditions)	03.06.1981

Planning investigation/Enforcement

Refval	Nature	Breach Type	Action
F0532	2007 3 x signs (warning signs)	Unauthorised work	Pending Consideration

TOWN/PARISH COUNCIL/WARD MEMBER

Honiton Town Council – supports enforcement action.

Councillor Halse – supports enforcement action.

Councillor Miss Ash – no response received.

CURRENT SITUATION

A report was considered on 18 April 2008 under the delegated procedure when authority was granted to instigate such legal action as necessary.

Despite the assurance that the signs would be removed, to date, the two additional warning signs remain in situ.

PLANNING VIEWPOINT

Due care should be taken to ensure any signage is not detrimental to the surrounding visual amenity or public safety in line with the general provision of Section 3 of the Town and Country Planning (Control of Advertisements) Regulation 2007. It would appear that the signage would not create a hazard in terms of highway safety and indeed the purpose of the signs are to benefit the community. Therefore, it is not considered to be in the public interest to pursue the enforcement of these signs. Whilst the site lies within the Conservation Area the small size of the signs and the discreet location of the site means there is no visual harm to the character of the area.

HUMAN RIGHTS ACT

It is considered that there are no Human Rights that are affected in this case.

RECOMMENDATION

Following further consideration, the two unauthorised 'warning' signs, which are small in size and not offensive and act as a warning to those using the facilities to refrain from shouting or using abusive language do not harm the visual character and appearance of the area, and do not cause a highway safety danger. It is, therefore, considered that no action should be taken in respect of these signs.

List of Background Papers

Application file, consultations and policy documents referred to in the report.