

**E/14/0064/A – Unauthorised fascia signage for Rumbles Fish Bar at 78 London Road, Sawbridgeworth, CM21 9JN**

**Parish: SAWBRIDGEWORTH CP**

**Ward: SAWBRIDGEWORTH**

**RECOMMENDATION:**

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and to take any such other steps as may be required to secure the removal of the unauthorised advertisement at the site.

Reason why it is expedient to commence legal proceedings:

1. The advertisement, by reason of its design and materials of construction, is detrimental to the visual amenities and character of the area and the Sawbridgeworth Conservation Area, contrary to Policy BH15 of the East Herts Local Plan Second Review April 2007.

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**1.0 Background**

- 1.1 The site is shown on the Ordnance Survey extract. It is located on the main route through Sawbridgeworth and forms part of the Conservation Area.
- 1.2 Concerns were expressed in February 2014 regarding the display of a number of signs at the premises. Whilst planning permission had been granted for the change of use, no advertisement consent had been applied for.
- 1.3 Officers visited the site and discussed the situation with the agent. Four unauthorised signs were on display, and the agent agreed to apply for advertisement consent and to keep the external illumination switched off for this period.
- 1.4 An application was subsequently submitted, under reference number 3/14/0671/AD, and a split decision was issued. Advertisement consent was granted for the projecting sign only. Whereas the main fascia sign was refused consent.
- 1.5 Following that refusal, a meeting has been arranged on site between Officers and the owner/agent, but no outcome is yet clear and the

unauthorised signage remains in place.

## **2.0 Planning History**

2.1 The most relevant planning history for the site can be summarised as follows:

3/14/0671/AD	1no externally illuminated fascia sign, 1no non illuminated fascia sign and 1no externally illuminated projecting sign.	Split decision.
3/13/1725/FP	Change of use from A1 (retail) to A3 (restaurants and cafes) and A5 (hot food takeaways) with associated alterations and the insertion of flue	Granted.

## **3.0 Policy**

3.1 The relevant policy of the East Herts Local Plan Second Review April 2007 is:

BH15 – Advertisements in Conservation Areas.

3.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also relevant material considerations in the determination of this matter.

## **4.0 Considerations**

4.1 The site is located within the Sawbridgeworth Conservation Area and the impact of the signage on the amenity of the area, including the historical environment, is the key consideration in this instance.

4.2 Advertisement Consent was refused for the main fascia signage due to the design and materials of construction. This is because the signage has pictures at both ends, has used very thick lettering and appears to be constructed in acrylic.

4.3 It is worth noting that the Conservation Officer, was consulted on the retrospective application and recommended refusal.

4.4 Overall, the signage is considered to be contrary to policy BH15 and Section 7 of the National Planning Policy Framework, and results in an unacceptable level of harm to visual amenity and the character of the

Sawbridgeworth Conservation Area.

- 4.5 Negotiations with the owner and agent are at an early stage, and Officers are hopeful that a mutually agreeable solution can be achieved without formal action. However, a key consideration to which Officers give significant weight in this case is the provisions of the Localism Act 2011. This has introduced a maximum time period of 6 months for the prosecutor to begin proceedings for 'summary only' offences, such as breaching the advertisement regulations. As such, if authorisation for taking formal action is delayed, the Council risks losing the opportunity to take any formal action against the unauthorised signage if a solution is not reached in time. However, Officers will delay formal action as long as possible to allow for negotiation.

**5.0 Recommendation**

- 5.1 For the above reasons it is recommended that authorisation be given to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and to take any such other steps as may be required to secure the removal of the unauthorised advertisements at the site.