

E/08/0157/B - Unauthorised erection and display of advertisements, and swan necked lighting units at Jonathan Hunt, 20 High Street, Ware, SG12 9BX.

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised fascia advertisements and lighting units from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice and/or commence legal proceedings:

1. The unauthorised advertisement is detrimental to the character and appearance of the Listed Building contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised advertisement by reason of its size, siting, materials of construction and illumination, is detrimental to the character and appearance of the Ware Conservation Area wherein the site is situated, 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 attached Ordnance Survey extract. It is a Grade II Listed Building situated on the north-east corner of High Street, Ware and New Road, within the Conservation Area of Ware.
- 1.2 In March 2008 a concern was expressed to the Council regarding both the signage erected on the building and the four chrome finished swan necked lighting units fixed to the fascia of the building to illuminate the signage.

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- 1.3 The enforcement officer visited the site and noted that a continuous fascia sign had been erected around all three public facing elevations of the building; two 'cheek' boards had been erected at a lower level adjacent to the side of the shop windows; and four chrome finished swan necked lighting units had been fixed to the building above the fascia signs.
- 1.4 In April 2008 the enforcement officer, having established that there had been no applications for advertisement or listed building consent, wrote to the proprietor inviting proposals to rectify these apparent breaches of advertisement and listed building control.
- 1.5 The proprietor telephoned the officer stating that it was his intention to apply for both listed building and advertisement consent. However, there having been no applications, the enforcement officer again wrote to the proprietor on 9th October 2008 informing him that the matter would be referred to Committee if details were not submitted within 14 days.
- 1.6 Applications for both listed building and advertisement consent were submitted on 15th October 2008. However the applications lacked sufficient information to be validated and despite a letter from the planning technician and a number of telephone calls from the enforcement officer, this additional information was not provided and the applications were withdrawn by the Council on 19th May 2009.
- 1.7 The enforcement officer again wrote to the proprietor on 18th June 2009 to inform him that the matter would be referred to committee. A response on 23rd June 2009 asked officers to allow a further short period for applications to be submitted. To date however no further contact has been made.
- 1.8 Photographs of the site and unauthorised signage will be available at the meeting.

2.0 Planning History

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

3/97/1164/FP	Change of use of existing ground floor from A1 to A2	Approved with conditions.
3/08/1803/LB	2 menu boards measuring 450mm x 790mm on either side of the entrance door. Installation of 4 cowl sign light IP65 in chrome above main signage.	Withdrawn incomplete.

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3/08/1804/AD	2no. single boards measuring 450mm x 790mm on either side of the entrance door. Install 4 cowl sign light IP65 in chrome above main signage – retrospective.	Withdrawn incomplete.
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3.0 Policy

3.1 The relevant policies in this matter are:-

BH10 – Alterations to a Listed Building

BH6 – New developments in Conservation Areas

BH15 – Advertisements in Conservation Areas

4.0 Considerations

4.1 In this matter, the main issue to be considered is the impact of the signage and lighting units upon both the listed building itself and upon the wider Conservation Area of Ware in which it lies.

4.2 Officers' consider that the fascia signage is of an excessive size in relation to the listed building, extending around the entire frontage of the building without relief. This is poorly related to the form and design of the building and detracts from its special historic character. Furthermore, it is prominent within the Conservation Area and out of keeping with and detrimental to the appearance of the area. The lighting units are considered to be unduly heavy in design and harmful to both the character and appearance of the listed building and to the wider area.

4.3 Overall, it is considered that the signage exceeds the size appropriate to convey its message and fails to preserve or enhance the appearance of the Conservation Area.

5.0 Recommendations

5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice requiring the removal of the unauthorised fascia advertisement and/or to commence legal proceedings with regard to the unauthorised advertisements.