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- 10. E/08/0447/A – Unauthorised erection of a large umbrella roofed structure, with a logo advertisement and glass screens at the Host Bar, 4 The Corn Exchange, Market Square, Bishops Stortford, CM23 3UU.**
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Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD - CENTRAL

RECOMMENDATION

1. That the Director of Neighbourhood Services be authorised to take enforcement action under s.38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or s.172 of the Town and Country Planning Act 1990 and any such other steps as may be required to secure the removal of the unauthorised works.

Period for compliance: 28 days.

Reason:

The large umbrella roofed structure, by reason of its size, siting, form, design and materials of construction, does not respect the character and appearance of the existing building; obscures this important elevation and appears overly dominant and conspicuous in the streetscene. The development is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

The development by reason of its size, form, design and materials of construction is detrimental to the setting of the Grade II listed Corn Exchange and the character and appearance of the Conservation Area of Bishops Stortford wherein the site is situated. The development is thereby contrary to policies BH6 and BH12 of the East Herts Local Plan Second Review April 2007.

The development by reason of its size, siting, form, design and materials of construction would be out of keeping with and detrimental to the character, appearance and setting of the Grade II Listed Corn Exchange contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.

2. That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under Section 224(3) of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised advertisement.

Reason:

The advertisement by reason of its size, siting, form, design and materials of construction is out of keeping with and detrimental to the character and appearance of the Conservation Area, which would thereby be 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. The Host Bar, situated on the eastern side of Market Square, Bishops Stortford, at the junction with High Street and Bridge Street, to the north of the town centre, is a Grade II listed building.
- 1.2 In August 2008 it was brought to the attention of the local planning authority that three semi permanent jumbo umbrellas had been installed on the north facing first floor balcony/terrace area of the building.
- 1.3 On the 22nd September 2008, the manager of the bar was informed, in writing, that planning permission and listed building consent may be required and was asked to contact the local planning authority to arrange a date and time to visit the site.
- 1.4 On the 29th December 2008, and on the 17th February 2009, following no communication or response, further letters were sent to the manager seeking an appointment to view the unauthorised developments. In the letter of the 17th February 2009 officers advised that the matter would be reported to the Development Control Committee.
- 1.5 During the winter months it was evident that additional side and front walls, with windows and doors, had been added to the umbrella style roof structure, thereby creating an enclosed area on the open air terrace.
- 1.6 During a meeting on site on the 28th April 2009, officers explained to the owner of the bar the planning issues relating to the umbrella roof structure, with the logo advertisement and the glass screening.
- 1.7 On the 29th May 2009 applications were received seeking retrospective permission and consents for the erection of 3 parasols and glass screens on the terrace and the advertisement. After due consideration the authority refused to grant planning permission for the umbrella structures and glass screening, under reference 3/09/0823/FP, for the following reasons: -

The development by reason of its size, siting, form, design and materials of construction, does not respect the character and appearance of the existing building; obscures this important elevation and appears overly dominant and conspicuous in the streetscene. The development is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

The development by reason of its size, form, design and materials of construction is detrimental to the setting of the Grade II listed Corn Exchange and the character and appearance of the Conservation Area of Bishops Stortford wherein the site is situated. The development is thereby contrary to policies BH6 and BH12 of the East Herts Local Plan Second Review April 2007.

After due consultation and consideration the application for retrospective listed building consent, under reference 3/09/0824/LB, was refused for the following reason: -

The development by reason of its size, siting, form, design and materials of construction would be out of keeping with and detrimental to the character, appearance and setting of the Grade II Listed Corn Exchange contrary to policy BH10 of the East Herts Local Plan Second Review April 2007

The application for retrospective advertisement consent under reference 3/09/0822/AD, was refused for the following reason: -

The advertisement by reason of its size, siting, form, design and materials of construction is out of keeping with and detrimental to the character and appearance of the Conservation Area, which would thereby be contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

- 1.8 On the 12th August 2009 officers wrote to the owner inviting him to discuss alternative proposals which could be considered appropriate to the listed building and to the wider Conservation Area. He was also advised that any appeal against the decision of the to refuse permission and consents should be lodged by the 1st October 2009, otherwise the matter would be referred to the Development Control Committee.
- 1.9 Messages were left at the venue on the 23rd August, 25th August and 2nd September for the owner to contact officers to discuss alternative proposals. Finally a further letter was sent on the 2nd September 2009 inviting the

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owner to contact the council to arrange a meeting. This took place on the 7th September 2009 when officers suggested further options to the owner. These options included: -

- As soon as possible, say within the following 4 weeks, to submit further applications for planning permission, listed building consent and advertisement consent for a scheme that will overcome the reasons for refusal.

A letter was received from the agent suggesting a transparent material for the canopy; this proposal was considered inappropriate by officers however. No applications have been received as a result of this suggestion.

- Remove the unauthorised structure and advert.

The structures remain in situ.

- Submit an appeal to the Planning Inspectorate against the decision of the local planning authority to refuse planning permission, listed building consent and advertisement consent. As these were retrospective applications the authority would expect the appeals to be submitted as soon as possible.

No appeals have been submitted as requested.

- Do nothing. With this option it is open to the Planning Enforcement section to seek the authority of the Development Control Committee to issue and serve notices requiring the removal of the unauthorised structure and advert.
- Should notices be served it is open to the owner to appeal to the Planning Inspectorate against the decision of the authority to serve the notices. There are several grounds of appeal and the details of the appeal procedure will be attached to the notices.

1.11 At the time of writing this report no appeals have been lodged against the decisions to refuse listed building consent, planning permission or advertisement consent. The applicant has six months from the 23rd July 2009 to appeal the refusal of planning permission and listed building; however, only eight weeks is allowed to appeal against the refusal of advertisement consent. This is now out of time.

1.10 Photographs of the development will be available at the meeting.

2.0 Planning History

- 2.1 On the 25th May 2001 an application was submitted, under reference 3/01/1052/FP, for the installation of 5 temporary parasols on the terrace area. After consultation and consideration the local planning authority decided to refuse to grant planning permission for the following reason:

“The proposed parasols, by virtue of their size, scale, siting, materials and appearance would be detrimental to the setting of the Corn Exchange which is a prominent Grade II listed building and with the Bishops Stortford Conservation Area. The proposal would therefore be harmful to the visual amenities of the locality and is contrary to policies BE2, BE16 and BE18 of the adopted East Herts Local Plan.”

- 2.2 3/09/0822/AD – Host logo printed on canopy of parasol (retrospective) – Refused – See paragraph 1.7 above.

3/09/0823/FP - Erection of 3 parasols and glass screens on terrace (retrospective) – Refused. See paragraph 1.7 above.

3/09/0824/LB - Erection of 3 parasols and glass screens on terrace (retrospective) – Refused. See paragraph 1.7 above.

3.0 Policy

- 3.1 The relevant policies in this case are ENV1, BH6, BH10, BH12 and BH15 of the East Herts Local Plan, Second Review April 2007.

4.0 Considerations

- 4.1 This Grade II listed building is a very prominent three storey Greek revival white rendered building, with 4 columns and 2 square end pilasters on the north facing portico. Above the columns there is a feature of reclining figures and clock. The listing considers this building to be a focal point in the town centre.
- 4.2 The design and size of the jumbo umbrella structures hides part of the historic focal point and detracts from the setting and character of this listed building. The plastic style materials of the roof and walls and upvc doors are in stark contrast to the delicate sash windows, materials and design of the main building. The resulting visual impact of the jumbo umbrellas is further exacerbated by their position on the front elevation adjacent to and overlooking the highway.

- 4.3 The Conservation officer comments that *'the erection of the parasols and glass screens will mitigate against all previous efforts to reveal the important elevations of the building. This will add clutter to the building and will detract from its character and appearance especially in view of its prominence in the conservation area'*.
- 4.4 It is considered that the unauthorised structure does not enhance or preserve the historic character and appearance of the listed building and therefore is contrary to policies BH6 and BH10 of the East Herts Local Plan Second Review April 2007.
- 4.5 The development's size, height, and siting on the terrace of this important building in the conservation area of Bishops Stortford is not considered to be compatible with the layout and appearance of the surrounding area and does not compliment or relate to the adjacent buildings.
- 4.6 In regard to the logo, The Corn Exchange is a Grade II listed building and is unique in its appearance and is surrounded by a number of other listed buildings. PPG19 advises that considerations of advertisement applications should relate to highway safety and amenity. The authority should have regard to its effect on the appearance of the building and on the visual amenity in the immediate neighbourhood where it is displayed. It should therefore consider the impact the advertisement will have on its surroundings and its cumulative effect. Officers must look at the local characteristics of the neighbourhood including scenic, historic, architectural or cultural features which contribute to the distinctive character of the locality.
- 4.7 There is considered to be no significant impact on highway safety resulting from this unauthorised development.
- 4.8 When the impact and effect on the amenity is considered it is felt that the lettering and the unauthorised structure which forms part of the advertisement are not of an appropriate size and design in relation to the existing building or the amenity of the locality. The advertisement is not of a traditional fascia or hanging type and is not of an appropriate size necessary to convey its message. The structure is excessive in size and, by reason of the design, form and materials of construction, detracts from the appearance of the buildings and the locality as a whole.
- 4.9 It is also considered that the structure is unsustainable in terms of energy efficiency. If allowed, during the winter months the structure would need to be heated to allow its use and there appears to be no insulation and

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therefore the heat is readily lost. The design and the materials used do not incorporate sustainable initiatives in terms of methods of energy conservation, contrary to policy ENV1(3).

- 4.10 Officers have contacted the applicant on several occasions and have sought to resolve the matter without recourse to formal action. However, despite these efforts, no other proposals have come forward to achieve an acceptable solution at the site and the Council's previous decisions have not yet been challenged by way of appeal.

5.0 Conclusion

- 5.1 It is therefore recommended that an Enforcement Notice and/or Listed Building Enforcement Notice are issued and served requiring the removal of the unauthorised jumbo umbrellas, to include their walls, windows and doors and the glass screen.
- 5.2 It is also recommended that authorisation be given to commence legal proceedings under Section 224(3) of the Town and Country Planning Act 1990 for the display of the unauthorised logo advertisement and any such further steps as may be required to secure its removal.