

5x E/12/0048/A - Unauthorised display of vertical banners and a fascia advertisement, at Grill 55, First Floor, 55 – 61 South Street, Bishop's Stortford, CM23 3AL

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD CENTRAL

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal 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 advertisements at the site.

Reason why it is expedient to commence legal proceedings:

1. The advertisements by reason of their size, siting, design and materials of construction are out of keeping with and detrimental to the character and appearance of the 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 attached OS extract. It lies on the south-eastern corner of the junction of South Street and Station Road, Bishop's Stortford. The site is a first floor restaurant, above a Chinese restaurant, situated within the Conservation Area of Bishop's Stortford.
- 1.2 In February 2012 a concern was expressed to the Council that the first floor premises was displaying banner and fascia advertisements without consent.
- 1.3 The enforcement officer visited the site and noted that there were three orange coloured vertical banners attached to the fascia of the first floor of the site, as well as an orange fascia board advertisement on the angled corner wall of the building and a small projecting sign and sign over the entrance door. The signage does not benefit from deemed consent under The Town and Country Planning (Control of Advertisements) Regulations 2007.
- 1.4 The premises being closed, the officer subsequently wrote to the owners on 27th February 2012 informing them that advertisement consent was

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required to display the advertisements. He also advised the owners that advertisement consent had previously been refused at the site, for the previous occupiers, for one vertical hanging banner of a similar size to those currently being displayed. An appeal against that decision had also been dismissed by The Planning Inspectorate and the new owners were also made aware of that.

- 1.5 Following conversations and communications between the enforcement officer and the occupier a retrospective application for advertisement consent was received by the Council under application number 3/12/0991/AD on 13th June 2012.
- 1.6 On 31st July 2012 a split decision on the application for advertisement consent was made by officers under delegated powers. Whilst advertisement consent was granted for the small projecting sign and sign over the entrance door, consent was refused for the vertical banner signs and fascia board on the angled corner wall.
- 1.7 The enforcement officer wrote to the company on 3rd August 2012 requesting that the signage be removed within 14 days and pointing out that the continued display of the signage constituted an offence that could be referred to the local Magistrates' Court.
- 1.8 To date there has been no acknowledgement of, nor reply to, that letter and the unauthorised signage is still being displayed.
- 1.9 A photograph of the site 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:

3/04/1139/FP	Change of use of first floor only to A3 (restaurant) and alterations to entrance and facade. Installation of new chiller units on roof.	Approved.
3/04/2392/AD	2 no. restaurant signs (illuminated).	Refused.
3/09/1067/FP	Change of use from A3 (restaurant) to A4 (bar) with ancillary restaurant use.	Approved.
3/09/0886/AD	Two illuminated vertical banner signs and one illuminated fascia board –	Refused. Appeal

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	Retrospective.	dismissed.
3/12/0991/AD	3no. non illuminated vertical banner signs, 1no. non illuminated fascia board, 1no.projecting sign and fascia sign over entrance door - retrospective	Split decision.

3.0 Policy:

3.1 The relevant saved policy of the adopted Local Plan in this matter is:-
BH15 - Advertisements in Conservation Areas.

3.2 The NPPF is also a relevant consideration.

4.0 Considerations:

4.1 The property is sited within the Bishop's Stortford Conservation Area wherein proposed advertisements will be assessed against the policy criteria of BH15 of the Local Plan. The general requirements of that policy are to ensure that a high quality environment is maintained which is not compromised by the introduction of indiscriminate or unsympathetic signage. The NPPF also sets out that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

4.2 In Officers view, these advertisements have an appreciable and detrimental impact on this building and its surroundings. In terms of the fascia signage, it is a material consideration that consent has been refused for an advertisement within LPA reference 3/04/2392/AD of a similar size, siting and design to that within this application. The reason for refusal in that case was:-

The proposed signs, by reason of their position, size, design, materials of construction, form of illumination and lettering size, would have a detrimental effect on the street scene to the detriment of the character and appearance of the Bishop's Stortford Conservation Area. If permitted it would thereby be contrary to policy BE25 of the East Hertfordshire Local Plan.

4.3 It is also a material consideration that advertisement consent has previously been refused for advertisements identical to that sought consent in this application (vertical banners) within LPA reference 3/09/0886/AD. Advertisement consent was refused for the following reason:-

The proposed advertisements by reason of their size, siting, design and materials of construction would be out of keeping with and detrimental to the character and appearance of the Conservation Area contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

- 4.4 That application was also the subject of an appeal. The Planning Inspector dismissed the appeal and made the following comments on the advertisements:

The two vertical banner signs and the fascia board have already been installed at first floor level and, together, are lit by 3 of the 5 uplighters which are in place along this elevation... This is a prominent corner site. Despite the setback of the building behind the properties to the south, the signs are highly visible in the street scene, especially from the opposite side of the road and in the approaches from the north. Although this is a busy commercial area where a certain level of signage is to be expected, I consider that the proliferation of signs on the upper floor of the building, well above the main commercial frontage, detracts from the visual amenity of the Conservation Area so that its appearance is not preserved. The harm is exacerbated by the fact that, although the first floor of the building projects beyond the ground floor shops, in some views the signs are also seen along with the fascia signs on the ground floor.

- 4.5 That appeal decision was made on 26 February 2010. The Development Plan and related policies under which the application was determined has not altered and, as confirmed in paragraph 214 of the NPPF, full weight should be given to the policies of the Local Plan until March 2013. In this respect Officers attach substantial weight to the above mentioned Inspectors comments and, in any event, also consider that the advertisements are contrary to national planning policy guidance as regards advertisements in the NPPF.
- 4.6 The number of banner signs has now increased at the site to three, from that previously refused consent and dismissed at appeal. They are identical in size to those previously held to be unacceptable. The fascia sign is also on a prominent corner location of the building.
- 4.7 Officers consider that current advertisements, like those previously refused, do not meet the requirements of policy BH15. The materials of construction are not suitable in the context of the Conservation Area. The signage is not of a form that is considered to be a traditional fascia or hanging type – accordingly, criteria c) of BH15 would not be satisfied. Furthermore, Officers are of the opinion that the size of the signage and

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nature of the building results in the signage appearing overtly prominent within the façade and that signage of a smaller size would suffice, in terms of conveying their message.

- 4.8 The cumulative effect of the proposed signs leads to advertisement on the façade of the building which does not, in Officers opinion, appear in keeping with the character and appearance of the Conservation Area.

5.0 Recommendation:

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