

**5L E/11/0058/B – Unauthorised advertisement by changing coloured lighting to the front elevations of The Navigator Public House, Bridge Foot, Ware, SG12 9DW**

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**Parish: WARE**

**Ward: WARE CHRISTCHURCH**

**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 unauthorised advertisement/signage, by reason of its means and level of illumination, is detrimental to visual amenity and the character and appearance of the surrounding Conservation Area contrary to policy BH15 of the East Herts Local Plan April 2007 and national planning policy set out in the National Planning Policy Framework.

\_\_\_\_\_ (005811B.GRD)

**1.0 Background:**

- 1.1 The site is shown on the attached Ordnance Survey extract. The property is sited on the prominent junction of Bridge Foot, Star Street and High Street, Ware. It lies within the town's Conservation Area.
- 1.2 In February 2011, concerns were expressed to officers that the building was being washed by new flashing and changing coloured up-lights, from lighting units attached to the front of the building.
- 1.3 Letters were sent to the head office of the company who operate the public house in June 2011, and on 26<sup>th</sup> July 2011. No response was received and despite requests to turn off the up-lighters, the building remained washed in changing coloured light.
- 1.4 Photographs of the lighting at the site will be made available at the meeting.

**2.0 Planning History:**

2.1 Recent and relevant advertisement applications:

3/02/1768/AD	Illuminated signage	Split decision – illuminated box signs refused
3/07/1918/AD	Non-illuminated fascia sign and two internally illuminated projecting signs	Split decision – illuminated projecting signs refused

**3.0 Policy:**

3.1 The relevant policy of the adopted Local Plan is policy BH15 (Advertisements in Conservations Areas).

3.2 The National Planning Policy Framework is also a material consideration in this case.

**4.0 Considerations:**

4.1 Firstly, Officers have considered whether a colour wash by light over a building can be considered as an ‘advertisement’ within the meaning of the Act.

4.2 The definition of ‘advertisement’ is contained in s336 of the Town and Country Planning Act 1990, as amended by s.24 of the Planning and Compensation Act 1991 and is of wide application. It means “*any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of advertisement, announcement or direction*” and without prejudice to the foregoing, “*includes any hoarding or similar structure used or designed or adapted for use and anything else principally used, or designed or adapted principally for use for the display of advertisements*”.

4.3 The Courts have held that advertisements can include the use of beams of light, lasers, searchlights and illuminated advertisements projected onto buildings, landscapes or the sky.

4.4 It is concluded, in this particular case, that the changing coloured wash of light over the front of the building advertises the location of the public

house and constitutes an 'advertisement for which express consent is required.

- 4.5 The advertisement is in a prominent location in the town's Conservation Area, and is seen as an alien and visually intrusive feature in the street scene. This detracts from the historic character and appearance of the Conservation Area and is detrimental to visual amenity in the night-time townscape.
- 4.6 Policy BH15 of the Local Plan, relating to advertisements in Conservation Areas, requires signage to be either painted or individual lettered in a suitable material of a suitable size and design; to be preferably be non-illuminated, but where illumination is proposed, it should be discreet in size and at a minimum level; in a traditional design; and other than in exceptional circumstances, be of an appropriate size necessary to convey its message.
- 4.7. It is considered that the colour wash in this case cannot be described as 'discreet' and is of a level that exceeds what is necessary to advertise the premises. It is prominent, visually intrusive and fails to preserve or enhance the appearance of the Conservation Area. As such, Officers consider that it is harmful to the appearance of the surrounding area and contrary to national planning policy set out in paragraph 67 of the National Planning Policy Framework.
- 5.0 Recommendation:**
- 5.1 It is therefore recommended that legal proceedings under Section 224 of the Town and Country Planning Act 1990 be instigated and any further steps as may be required to secure the cessation of the unauthorised advertisement at the site.