

DEVELOPMENT MANAGEMENT COMMITTEE – 3 FEBRUARY 2016

Reference Number	E/13/0099/B
Proposal	Unauthorised advertisements attached to a Grade II building
Location	Café Rouge, 1-3 Parliament Square, Hertford, Herts, SG14 1EX
Parish	Hertford CP
Ward	Hertford – Castle

RECOMMENDATION:

That enforcement action be authorised as set out at the end of this report.

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract and is located within the town centre of Hertford and within the Hertford Conservation Area. It is a Grade II Listed building.
- 1.2 In April 2013, a concern was expressed to the Council that a new fascia advertisement was being erected at the premises. This consisted of a fascia sign, measuring 6.2 metres wide and 0.3 metres high, comprising of ceramic white tiles with red 'Café Rouge' in aluminium lettering. The owners were advised that both advertisement consent and listed building consent would be required for the new signage and in July 2013 an application for retrospective advertisement consent was submitted for its retention (Ref: 3/13/1287/AD).
- 1.3 However, after due consideration, the application was refused in September 2013 for the following reason:
 1. *The tiled fascia sign, by virtue of its materials of construction, would be detrimental to the visual amenities and character of the listed building and the Hertford Conservation Area contrary to policy BH15 of the East Herts Local Plan Second Review April 2007 and Paragraph 67 of the National Planning Policy Framework.*
- 1.4 Following that refusal, the owners of the building submitted an application for listed building consent for replacement signage at the site (Ref: 3/13/2138/LB). That application proposed a replacement fascia sign of grey painted timber with red stainless steel individual lettering. The application was subsequently granted in March 2014 although the approved signage was never installed.

- 1.5 In February 2015, further applications for both listed building consent (Ref: 3/15/0313/LBC) and advertisement consent (Ref: 3/15/0312/ADV) were submitted for the removal of the unauthorised signage and its replacement with a new fascia sign and hanging sign of an amended design to that permitted under ref: 3/13/2138/LB. The revised proposals incorporated a red powder coated aluminium frame to be fixed over the existing timber frame with gold perspex lettering. It also proposed a new projecting sign with perspex lettering on a timber panel and a replacement awning.
- 1.6 After due consideration, advertisement consent was granted for the replacement awning but both advertisement consent and listed building consent were refused for the proposed replacement fascia and hanging signs following reasons:
1. *The proposed fascia and hanging sign, by reason of the materials of construction, would be detrimental to the character and appearance of the listed building contrary to Section 12 of the National Planning Policy Framework.*
 2. *The proposed fascia and hanging sign by reason of the materials of construction would detract from the character and appearance of the building and have a detrimental effect on the visual amenity of the Hertford Conservation Area contrary to policy BH15(a) of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.*
- 1.7 Notwithstanding the refusal of consent, the signage was erected on site and an appeal lodged with the Planning Inspectorate in respect of the refusal of both the advertisement consent and listed building consent. In December 2015, however, the Planning Inspectorate dismissed both appeals.
- 1.8 The unauthorised signage remains in place.

2.0 Planning History

- 2.1 The most relevant and up to date planning history for the site can be summarised as follow:

3/15/0312/ADV	Replacement signage – 1no external illuminated fascia, 1no externally illuminated projecting sign and re-cover awning.	Refuse consent in part and grant consent in part (awning) Appeal Dismissed
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3/15/0313/LBC	Replacement signage – 1no external illuminated fascia, 1no externally illuminated projecting sign and re-cover awning.	Refused Appeal Dismissed
3/13/2138/LB	Replacement signage – 1no external illuminated fascia, 1no externally illuminated projecting sign and re-cover awning.	Granted with conditions
3/13/1287/AD	New fascia sign with individual externally illuminated letters and externally illuminated projection sign (retrospective)	Refuse Consent in part and Grant Consent in part (hanging sign)

3.0 **Policy**

- 3.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Impact of the advertisements on the special architectural character of the listed building and on the surrounding Conservation Area	Section 12	BH15

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

4.0 **Consideration of Relevant Issues**

- 4.1 The site is located within Hertford Conservation Area and the building is Grade II listed. The main consideration in this matter is the impact of the unauthorised fascia and hanging sign on the special architectural and historic interest of the listed building and the character and appearance of the wider Conservation Area.
- 4.2 In dismissing the appeals in relation to applications 3/15/0313/LBC and 3/15/0312/ADV, the appeal Inspector commented that No's 1-3 Parliament Square combine to make an interesting and impressive historic building which occupies a prominent position within the historic heart of Hertford. He agreed with the Council's assessment that the scale and overall design of the advertisements are not harmful, but that the materials used – modern perspex and aluminium – are conspicuous within the historic frontage. The contrasting, modern texture of the displays and their inherent sheen and accompanying contemporary

character results in a discordant finish to the more traditional features of the building.

- 4.3 The Inspector concluded that the unauthorised signage is harmful to the amenity of the area and to the special architectural and historic interest of the listed building. A copy of the appeal decision is attached as **Essential Reference Paper 'A'**.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, and other officers as appropriate, 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 against the unauthorised advertisement and also to take any such further steps as may be required to secure the removal of the unauthorised fascia and hanging signs.

Period for Compliance: 3 Months

Reasons why it is expedient to issue an Enforcement Notice:

1. The fascia and hanging signs, by reason of the materials of construction, are detrimental to the character and appearance of the listed building contrary to Section 12 of the National Planning Policy Framework.
2. The fascia and hanging signs, by reason of the materials of construction, detract from the character and appearance of the building and have a detrimental effect on the visual amenity of the Hertford Conservation Area contrary to policy BH15(a) of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.