

5j E/11/0037/B - Unauthorised erection and display of internally illuminated advertisements at Unit 4a and 4b Star Street, Ware, Herts, SG12 7AQ

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 any such other steps as may be required to secure the removal of the unauthorised fascia advertisements at the site.

Reasons why it is expedient to instigate legal proceedings:

1. The signs by reason of their materials of construction, extent of illumination and cluttered appearance have a detrimental effect on the character of the building and this part of the Ware Conservation Area wherein it is situated. The signage is contrary to policy BH15 of the East Herts Local Plan Second Review April 2007 and the requirements of Planning Policy Statement 1 - Delivering Sustainable Development and Planning Policy Statement 5 - Planning and the Historic Environment.

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1.0 Background:

- 1.1 The site is shown on the attached Ordnance Survey extract. Star Street lies to the east of Ware High Street and within the Conservation Area of Ware.
- 1.2 In March 2010 an application was received from the new owners of the building seeking advertisement consent for two internally illuminated fascia panels. After due consideration the application was refused consent on the 7th February 2011 for the following reason;

The proposed signs, by reason of their materials of construction, extent of illumination and cluttered appearance, have a detrimental effect on the character of the building and this part of the Ware Conservation Area wherein it is situated. If permitted they would thereby be contrary to saved policy BH15 of the East Herts Local Plan Second Review April 2007 and the requirements of Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Statement 5 – Planning and the Historic Environment.

E/11/0037/B

- 1.3 Following the refusal of advertisement consent, however, a concern was raised with Officers that the signage was in place and was illuminated.
- 1.4 In February 2011 a letter was sent to the owners stating that the signage being displayed did not have any express consent and nor did it benefit from deemed consent, due to its size and illumination. The owner was requested to contact the Council with their proposals and timescales to remedy the situation.
- 1.5 The owner did then contact the case officer and was given advice as to what form of advertising might be considered acceptable in this location. However, no action was taken as a result of this and the unauthorised advertising remained on site. Accordingly, a further letter was sent to the owners in April 2011 stating that the time period to appeal the Council's decision to refuse advertisement consent had by then expired and that the signage was still considered as unauthorised and officers requested their timescales to remove the signage.
- 1.6 It was noted in August 2011 however that the signage was still in situ and that no further applications had been submitted for alternative signage. The owner was therefore advised that the matter would be reported to the Development Control Committee to seek authorisation to commence legal proceedings.
- 1.7 Photographs of the site will be available at the meeting.

2.0 Planning History:

3/10/2037/AD	Two illuminated fascia signs	Refused
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3.0 Policy:

- 3.1 Local planning authorities are required to exercise their powers under the Advertisement Regulations with regard to 'amenity' and 'public safety', together with any other relevant factors.
- 3.2 The other relevant factors in this matter are considered to be:
- EH Local Plan policy BH15 – Advertisements in Conservation Areas
 - PPS 1 – Delivering Sustainable Development
 - PPS 5 - Planning and Historic Environment
 - PPG 19 – Outdoor Advertising

- Circular 03/2007

4.0 Considerations:

- 4.1 In this matter, the main issue to be considered is the impact of the signage and illumination on 'amenity' in the immediate area and within the wider Conservation Area of Ware, in which it lies.
- 4.2 PPS5 states that, where an application does not make a positive contribution to the significance of a heritage asset such as a Conservation Area, local authorities must weigh the harm of the proposal against the wider benefits of the development. In this case, the signs show that the premises are open for business. However, the Council does not consider that this would represent a sufficient benefit to justify a poor standard of design used in these fascia signs.
- 4.3 PPS1 emphasises the importance of design and that design which fails to take the opportunity to enhance the character and quality of an area should not be accepted.
- 4.4 Local Plan policy BH15 requires that signs within Conservation Areas be either painted or individually lettered in a suitable material and of an appropriate size relative to the building; preferably be non-illuminated unless the lighting is discreet and of a minimum level; of a traditional fascia or hanging type; and be of an appropriate size necessary to convey their message.
- 4.5 The signs in this case are red with raised yellow lettering spelling out the shop's name, with white lettering beneath. The signs also feature pictures of items sold within the shop. They are made of plastic with raised lettering.
- 4.6 The appearance of the fascia signs is out of keeping with the character of the building itself and the surrounding Conservation Area. The building was the subject of extensive negotiations as part of the redevelopment of this former industrial site, to ensure an appearance appropriate to the Area. The signs detract from this, and appear especially jarring in contrast to the white and pale beige of the render and brickwork of the building.
- 4.7 The signs are illuminated by trough down lighters. Such illumination is not considered to be at a minimum level. The light fittings are prominent and incongruous in the Conservation Area, where the Council seeks to restrict inappropriate illumination to adverts. Although the nature of the use, and its probable late opening hours, means that

E/11/0037/B

a degree of illumination may be acceptable, the illumination presently installed on the building is excessive in scale and detracts from the appearance of the building.

- 4.8 Members will note that a hanging sign has also been added to the front elevation of the property. This sign, however, benefits from deemed consent under the Regulations and is not therefore the subject of this proposed action.

5.0 Recommendation:

- 5.1 In summary, Officers consider that the fascia signs that have been installed at the premises, by reason of their materials of construction, extent of illumination and cluttered appearance have a detrimental effect on the character of the building and this part of the Ware Conservation Area such that enforcement action is appropriate and reasonable.
- 5.2 It is therefore recommended that authorisation be given to commence legal proceedings with regard to the unauthorised fascia advertisements.