

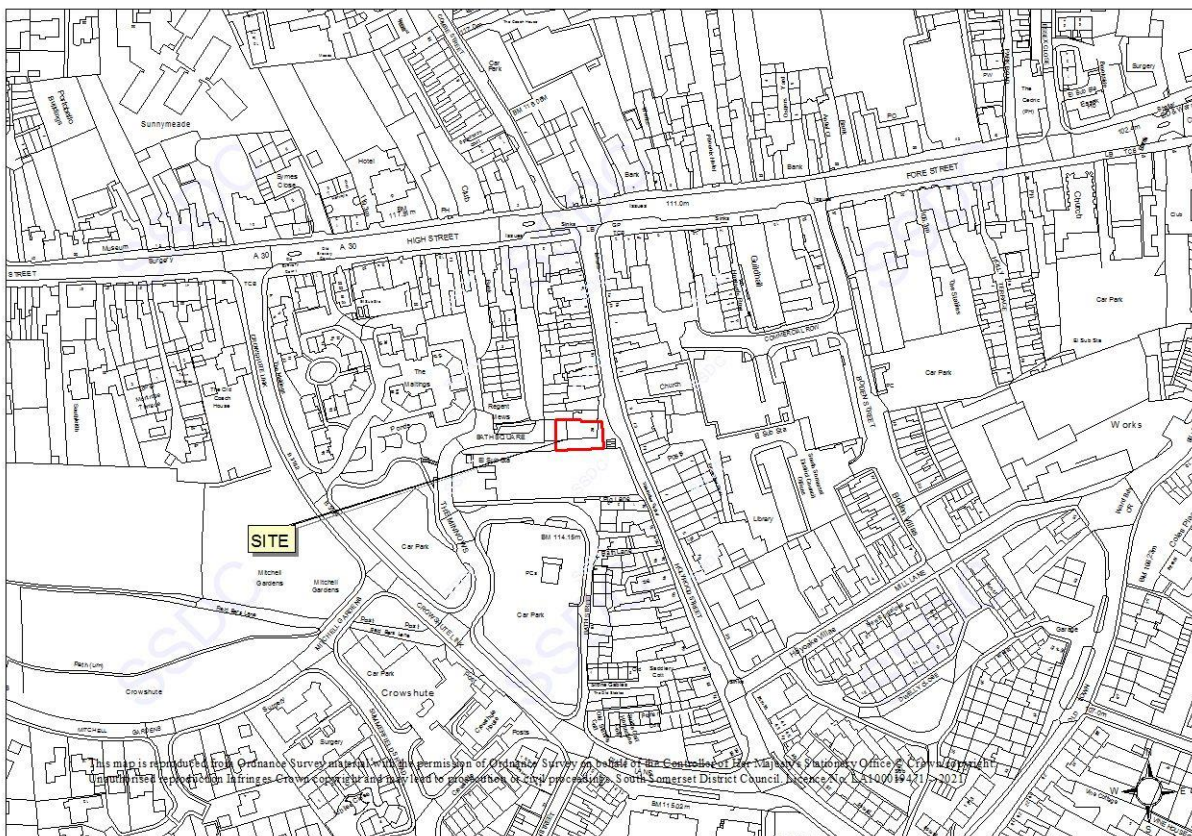
Officer Report On Planning Application: 19/02588/ADV

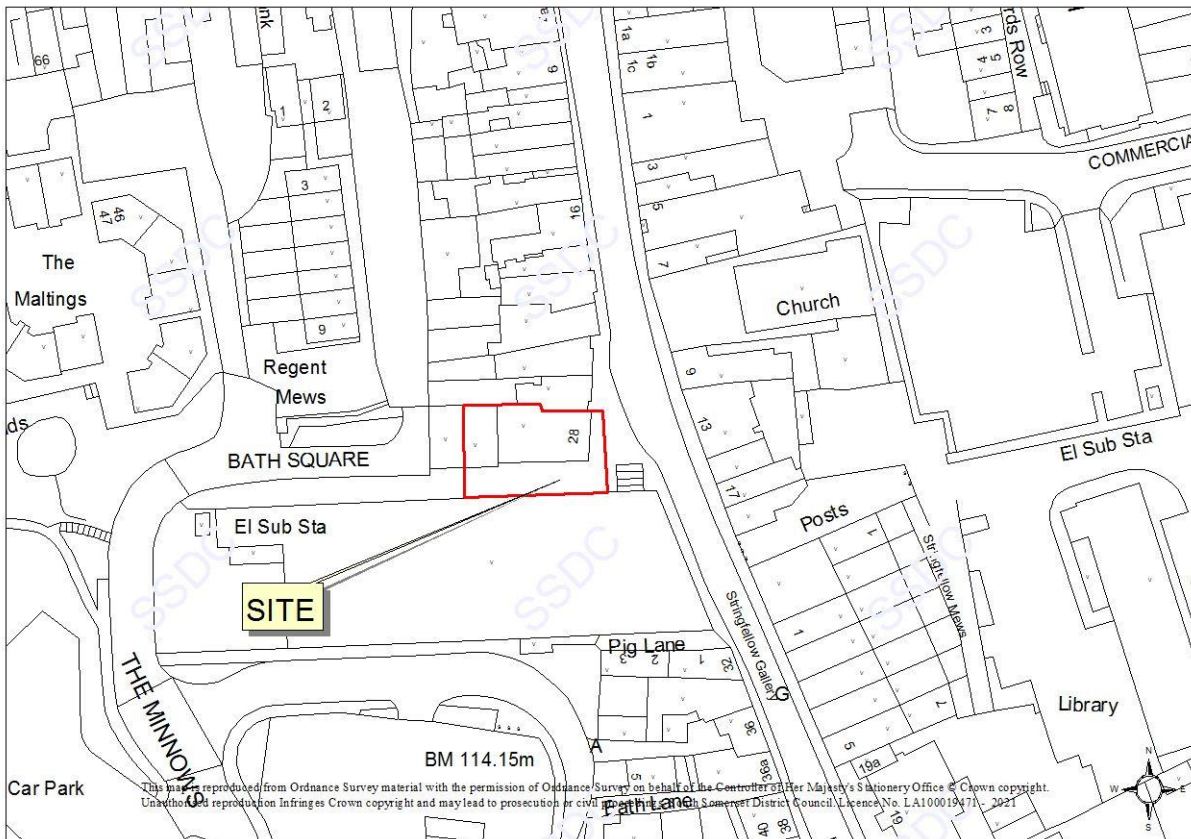
Proposal :	Display of 1 No. hanging sign. (Retrospective)
Site Address:	The Bath House 28 Holyrood Street Chard TA20 2AH
Parish:	Chard
CHARD HOLYROOD Ward (SSDC Member)	Cllr Jason Baker
Recommending Case Officer:	Chloe Beviss (Case Officer)
Target date :	1st November 2019
Applicant :	Bath House Hotel
Agent: (no agent if blank)	Mr Robin Bryer The Office Princes Place Closworth Yeovil, Somerset BA22 9RH
Application Type :	Other Advertisement

REASON FOR REFERRAL

This application has been referred to the Area West Committee by the Ward Member and Vice Chair in light of the applications retrospective nature and potential impact upon heritage assets given the wider regeneration proposals being pursued within the town.

SITE DESCRIPTION AND PROPOSAL





This application is seeking advertisement consent for the display of a hanging sign to a Grade II listed hotel and restaurant off Holyrod Street in Chard and within the town's conservation area and Heritage Action Zone.

The 18th century two storey building has a painted brick frontage and sits under a slate roof with two first floor windows in the front elevation with a blank central window space between.

The premises benefits from existing advertising signage within the ground floor bay windows.

This application for advertisement consent was submitted in September 2019 for the proposed display of a hanging sign within the first floor blank central window. The Council's Conservation Specialist was consulted and objected to the proposal. His detailed response was sent to the agent offering suggestions for an alternative location that would avoid the historically important middle window reveal.

The application was held in abeyance whilst the necessary application for listed building consent was prepared. This was submitted in October 2020 and advised that the application was now retrospective as the sign had been displayed since the communication in respect of the advertisement application.

The sign measures 1200mm high and 900mm wide and is hung from a bracket.

It is noted from a site visit that the plans submitted do not accurately represent the sign which is in situ as it incorporates external lighting and is also fixed to the cill.

HISTORY

20/03185/LBC: Listed Building Consent for the display of 1 No. hanging sign (implemented). Pending consideration.

POLICY

The Secretary of State's powers to make regulations for the control of outdoor advertisements are in sections 200, 221, 223 and 224 of the Town and Country Planning Act 1990. The current regulations are the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the interests of "amenity" and "public safety".

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan is the South Somerset Local Plan (2006 - 2028).

On this basis the following policies are considered relevant:

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

National Planning Policy Framework (February 2019)

Chapter 2 - Achieving Sustainable Development

Chapter 6 - Building a strong, competitive economy

Chapter 12 - Achieving well-designed places (paragraph 132)

CONSULTATIONS

Chard Town Council: Resolved that this application should be approved.

Highways: Standing advice applies.

SSDC Highways Consultant: If the proposed projecting sign overhangs any part of the public highway (footway or carriageway) as appears to be the case, a license will be required from SCC.

SSDC Conservation Specialist: This is my formal response to both applications and supersedes previous comments.

This is a retrospective application. We are required to consider the proposals as if they had not taken place. We made it very clear that Listed Building Consent would be required. The agent

was aware that consent would be required and said that if refused then he would appeal.

Instead the works have gone ahead without consent which is a potential criminal offence.

We now have a Listed Building Consent to accompany the original signage application. We also have the required statement of significance which should help us all to understand the site. Unfortunately the document that has been submitted does not analyse the significance. It seeks to undermine the listing saying that it is an unremarkable 19th century building. If the applicant believes that this building is incorrectly listed the correct approach would have been to apply to Historic England to delist the building. We have recently had Historic England review the listing at number 50 Holyrood Street. Their inspection of the roof space revealed that the building was considerably older than the list description indicated. It was unsuccessful. This site sits within the Chard Conservation Area and the recently approved Heritage Action Zone which makes substantial grant aid available for the restoration of buildings however we need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment. Historic England expect us to give serious consideration to the creation and restoration of a quality historic place. Accordingly this and future applications in the area will receive higher scrutiny.

The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building.

The policies are as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

Paragraph 189 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 States:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 States:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

It is clear to me that a sign can be accommodated in a location which is less harmful which is why I refer to Paragraphs 192 and 193. The size will need to be reduced and the design needs to better reflect the proportions of the host building. A statement of significance has been supplied but it is not appropriate to justify the scheme as it does not analyse the significance as required by Paragraph 189.

In this case it is considered that the proposed changes will cause 'less than substantial' harm to the heritage asset as per paragraph 196. This is in the medium range of this category. There has been no public benefit identified to offset the harm which cannot be achieved by moving the sign to a less sensitive location and by reducing the size and changing the proportions to better reflect the host building.

Accordingly I formally object to the application.

If this is refused and a subsequent appeal is dismissed then we will need to commence enforcement action to remedy the situation.

REPRESENTATIONS

One neighbour notified and site notice displayed. No representations received.

CONSIDERATIONS

The main considerations in this case relate to amenity and public safety.

The National Planning Policy Framework Chapter 12, paragraph 132 states "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The principle of a new hanging sign to advertise this commercial business is considered acceptable and the Local Planning Authority wish to encourage and support local businesses particularly in the current challenging climate however it is disappointing that despite the clear objection of the Council's Conservation Specialist the sign has been displayed without the necessary advertisement and listed building consents resulting in a potential criminal offence.

Impact on Public Safety

The proposals are considered to be in accordance with the Highway Authority's Standing Advice as such there are no foreseeable public or highway safety concerns however the Council's Highway Consultant advises that if the proposed projecting sign overhangs any part of the public highway (footway or carriageway) as appears to be the case, a license will be required from Somerset County Council.

Impact on Amenity

Holyrood Street is characterised by a high number of retail and other commercial units, second to the main road of Fore Street from which it is accessed. Hanging and projecting signs are not evident on most premises and where they are, they tend to be small scale.

The proposed sign is sizeable measuring 1200mm by 900mm and fails to sit within the blank window with it extending down below the cill. The proposed sign is considered adversely dominating, out of scale and out of keeping both with the listed building and the character of the area such that the visual amenity of the area and character and appearance of the conservation area is considered to be unacceptably harmed.

Furthermore, the proposed siting of the hanging sign is within a blank window reveal which is considered an important historic feature of the listed building to which the Conservation Specialist objects.

The Conservation Specialist states:

"The current list description indicates that this particular part of the building is late C18. It also makes reference to the blind window that they wish to mount the sign in. In England and Wales

the window tax was introduced in 1696 and was repealed in 1851. This building dates from that period and was once a house according to the list description. As such the feature has considerable significance. The applicant casts doubt on this but provides no evidence to support his assertion.

I have indicated to the applicant and agent that I would be happy to support a hanging sign if it was moved to one side of the blind window reveal. I do however object to its location within the window reveal as it would harm the listed heritage asset and the wider Conservation Area. An unfortunate aspect of a retrospective application is that we can see what the proposal actually looks like. In this case it is too large. It dominates the listed building and its proportions don't follow those of the host building. The size will need to be reduced and the design needs to better reflect the proportions of the host building.

Furthermore, the site is also located in the Historic England Heritage Action Zone. We are administering a grant scheme to restore historic buildings and need to ensure those that we have are treated sensitively to compliment the work that is being done to enhance Chard's historic environment."

The applicant and agent have declined to consider an alternative location on the building where the Conservation Specialist considers it would be far less harmful.

In addition, it is noted that the submitted drawings fail to accurately represent the sign that has been displayed in that it includes what is considered to be bulky external lighting and is fixed to the cill below.

Conclusion

The proposal is considered contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework (2019) due to its size and siting which is adversely dominating to the host building and street scene and fails to respect and relate to the character of the listed building, visual amenity of the area and character and appearance of the conservation area.

RECOMMENDATION

Refuse consent

For the following reasons:

01. The proposal, by reason of its size and position, is adversely dominating to the host building and street scene and fails to respect and relate to the character of the listed building, visual amenity of the area and character and appearance of the conservation area contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework (2019).
02. Notwithstanding the above reason for refusal, the plans that accompany this application are considered to be inaccurate in respect of the external lighting and attachment to the cill and therefore do not afford an accurate representation of the proposed works and therefore the harm that the sign as located has upon the heritage asset.

Informatives:

01. In accordance with paragraph 38 of the NPPF the council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was provided with clear advice when the application was first submitted and has been offered alternative locations on the building so as to address the concerns of the Conservation Specialist.

02. Consideration will now be given to enforcement action in respect of the unauthorised display of the sign
