

12. ADVERTISEMENT CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL (NP/DDD/0615/0504 P.2537 421767/368408 30/8/2015/CF)

APPLICANT: JOEL BOND

Site and Surroundings

The current application concerns the new signage for Ice Creams and Dreams, which is a restaurant that operates from a Grade II listed building on Matlock Street in the centre of Bakewell. The restaurant also lies within Bakewell's Central Shopping Area and the designated Conservation Area.

Proposal

This application now seeks retrospective Advertisement Consent for the new signage for the premises. The new signage has been erected after this application was submitted and includes the premises logo above the door on a white background with items sold from the premises such as ice creams and sundaes written in decorative writing either side of the Ice Creams and Dreams logo.

A parallel application for Listed Building Consent has also been submitted for the new signage that has been erected recently on the frontage of the property. A further application has been submitted for retrospective planning permission for the change of use of the premises from a shop to a restaurant.

RECOMMENDATION:

That the application be APPROVED subject to the following standard conditions:

- 1. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**
- 2. Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
- 3. Where an advertisement is required under the Advertisement Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**
- 4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- 5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal and to navigation by water or air, or so as otherwise to render hazardous the use of any highway railway, waterway or aerodrome(civil or military).**

Key Issues

- whether the retention of the signage would unacceptably harm the amenities of the local area.

History

Ice Creams and Dreams has operated from the premises from August 2014 without planning permission and this application now seeks retrospective Advertisement Consent for the signage that was erected recently on the frontage of the premises prior to the determination of this application. In this respect, the new sign replaced an earlier unauthorised sign that was erected last year in advance of the premises being opened to the public.

Consultations

External Consultees

Highway Authority – No objections.

District Council – No response to date.

Town Council – object to the current application because the proposed signage is felt to be out of keeping, using inappropriate materials and an unsympathetic colour scheme.

The Town Council also considers that it is regrettable that the design fails to take into account the Detailed Design Guidance Note on Shop Fronts or the 2013 Conservation Area Appraisal. The application appears in contravention of paragraphs 2.1, 4.1, 5.1, and in particular 5.10 and 6.4 of the Shop Fronts Guidance and in contravention of paragraphs 11.9, 11.10, 11.11 and 11.24 (in part) and in particular 11.25 of the Conservation Area Appraisal. As a consequence it is felt that the proposal may adversely affect the Conservation Area. The Town Council also express disappointment that this application has been made retrospectively.

Internal Consultees

National Park Authority (Conservation Officer) – Recommended that the application ‘as submitted’ be refused. However, the Conservation Officer has now withdrawn this objection having seen the completed signage, on the basis that whilst the signage is poor; the frame around it, and painting the shop windows white makes the fascia less conspicuous by pulling the sign and windows together as a single item.

Representations

Four letters about this application have been received by the Authority: one of which offers general support for the proposals, and one which sets out several issues the authors wish the Authority to take into account in the determination of this application including the design and potential impact of the signage on the surrounding Conservation Area. The two other letters point out the inappropriateness of the signage with reference to the Authority’s Detailed Design Guidance on Shop Fronts, and the author of one of these letters also objects strongly to the proposed sign on the basis that it is ‘totally out of keeping with the historic centre of Bakewell’.

Main Policies

Advertisements are subject to control under the Town and Country Planning (Control of Advertisements) Regulations 2007, as amended (‘the Advertisement Regulations’) rather than being treated as development that requires planning permission. In this respect, some forms of outdoor advertising benefit from deemed consent and are excluded from control of the planning authority provided certain conditions are fulfilled. Express consent is required for signage like the signage proposed in the current application, which does not fall within the categories and conditions specified in the Regulations for adverts that benefit from deemed consent.

Notably, when determining an application for express Advertisement Consent only two issues can be taken into consideration, these are the interests of amenity and public safety. In assessing the impact of signage on amenity, the local characteristics of the area must be taken in account, and in particular, whether it is in keeping with scenic, historic, architectural or cultural features of the area. Considerations regarding public safety are normally limited to the likely impact of advertisements on road traffic and pedestrians.

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, it also repeats the regulatory provision that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Saved Local Plan policy LC11 also deals specifically with outdoor advertisements and states that advertisements should (i) be as near as possible to the business or activity concerned, (ii) not result in a proliferation of signs inappropriate to the building or locality, (iii) not pose a hazard to public safety, or unduly harm the amenity of neighbouring properties, (iv) be in proportion and appropriately located relative to the building on which that are displayed and /or to nearby buildings, (v) be of a high standard of design, materials and construction; and (vi) be of a scale, setting and design which do not detract from features of architectural or historic importance or other valued characteristics of the area.

Wider Policy Context

Relevant Core Strategy policies: GSP1, GSP2, GSP3 & L3

Relevant Local Plan policies: LC4, LC5 & LC6

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. Similarly, GSP3 of the Core Strategy and LC4 of the Local Plan are consistent with core planning principles in the Framework that require all development in the National Park to be of a high standard of design that is sensitive to the locally distinctive character of its landscape setting

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development that would affect the setting of a Conservation Area set out in the Authority's Development Plan in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

The Conservation Area Appraisal offers further guidance on Bakewell's designated Conservation Area and the Authority has also recently adopted detailed design guidance on shop fronts.

Assessment

In the first instance, it is clear that the signage does not pose any risk to public safety noting that the Highway Authority does not have any objections to this application. Equally, the signage generally meets the requirements of LC11, which deals specifically with outdoor advertisements, because (i) the signage is as near as possible to the business concerned, (ii) its retention would not result in a proliferation of signs (iii) the signage would not pose a hazard to public safety, or unduly harm the amenity of neighbouring properties, and (iv) because it makes use of the exiting fascia board, the signage can be considered to be in proportion and appropriately located relative to the building on which it is displayed. Therefore, the key issues in the determination of this

application is the poor standard of design of the signage and whether its design would detract from the features of architectural or historic importance or other valued characteristics of the area so as to demonstrably harm the amenities of the local area.

In this case, as quite rightly pointed out in representations, the signage that has now been erected does not meet the requirements of the Authority's adopted detailed design guidance on shop fronts, or reflect the valued characteristics of the Conservation Area, as identified in the recent Conservation Area Appraisal. Amongst other things, this is because of the use of poor quality materials, the colour scheme, the overly long fascia board, and the generally poor detailing of the sign, which results in a rather insipid and somewhat unfortunate frontage that would not appear to be particularly commercially astute.

However, the Authority's Conservation Officer is also correct to say that now the signage has been completed, and the frontage painted white, the signage is not especially conspicuous or unduly prominent in the street scene. Furthermore, the signage and frontage as a whole is somewhat lost within the wide range of retail/commercial frontages along Matlock Street, obscured from some vantage points by the adjacent road signage, and does not unduly detract from the generally busy and vibrant nature of the town centre. Therefore, it is considered that it is difficult to argue that the signage harms the amenities of the local area sufficiently to warrant refusal of the current application in terms of the provisions of the Advertisement Regulations.

Conclusion

It is therefore concluded that whilst the retention of the signage would not robustly comply with the Authority's design and conservation policies, its adopted guidance on shop fronts or Conservation Area Appraisal insofar as they are relevant to this application, the retention of the signage would result in limited harm to the amenities of the local area. Consequently, the current application is recommended for approval subject to the standard conditions required by the Advertisement Regulations, as set out in the above report.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil