

**13. LISTED BUILDING CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL (NP/DDD/0615/0505 P.2537 421767/368408 30/8/2015/CF)**

**APPLICANT: JOEL BOND**

**Site and Surroundings**

The current application concerns 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 and for the external white paint finish to the frontage. The new signage was completed 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.

The submitted Design and Access Statement otherwise states that no permanent fixtures to the interior of the Grade II listed building have been required to facilitate the change of use of the premises, and it is said all furniture is free-standing and can simply be removed once this use is finished. In this respect, the current application does not seek Listed Building Consent for any works to the interior of the premises.

However, a parallel application for Advertisement 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 condition:**

- 1. The works hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 89215/01 Revision A and Drawing No. 89215/04 Revision A.**

**Key Issues**

- whether the external works carried out at the premises harm the character of the Grade II listed building or the appearance of its setting, which includes the designated Bakewell Conservation Area.

**History**

Ice Creams and Dreams has operated from the premises from August 2014 without planning permission and works were carried out to the inside and outside of the building in advance of the necessary Listed Building Consent being sought and obtained. This application now seeks Listed Building Consent for the signage that was erected recently on the frontage of the premises prior to the determination of this application and the paintwork to the frontage. 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.

### **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 particular regard to the quality of materials and its design.

## **Main Policies**

The current application seeks Listed Building Consent for works carried out at the premises rather than for development. The premises also lie within the designated Bakewell Conservation Area. Therefore, the most relevant policies in the Authority’s Development Plan are policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

L3 seeks to safeguard cultural heritage assets of historic significance, and states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.

Saved Local Plan Policy LC5 sets out criteria to assess applications for development or works which are within designated Conservation Areas, and states that consideration should be given to (i) the form and layout of the area and views into and out of the site; (ii) the scale, height, form and massing of the proposal and existing buildings to which it relates; (iii) locally distinctive design details including traditional frontage patterns, and (iv) the nature and quality of proposed building materials.

LC6 relates to listed buildings and says applications should demonstrate why the proposed works are desirable or necessary.

LC6 also says works which adversely affect the character, scale, proportion, design, detailing of, or materials used, or which would result in loss or irreversible change to original features will not be permitted.

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.

The Authority's adopted policies and design guidance are consistent with the National Planning Policy Framework ('the Framework'), which states that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle 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.

It is also considered that these policies are consistent with the statutory duties placed on the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (s.16(2)) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the surrounding Conservation Area (s.72(1)).

### **Wider Policy Context**

Relevant Core Strategy policies: GSP1, GSP2 & GSP3

Relevant Local Plan policies: LC4

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

### **Assessment**

In this case, the signage that has now been erected does not meet the requirements of the Authority's adopted detailed design guidance, 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 works have not had any significant impact on the fabric of the building because the signage has been erected on a pre-existing fascia board, and both the signage and the paintwork are clearly reversible and have not damaged the building. Moreover, the paintwork has helped to give the frontage of the premises a more coherent appearance and the works taken as a whole are clearly desirable and necessary insofar as commercial premises need to advertise their presence.

It is also considered the Authority's Conservation Officer is 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 Grade II listed building or the character and appearance of its setting, which includes the surrounding Conservation Area sufficiently to warrant refusal of the current application even when taking into account the statutory duties placed on the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of making a decision on this application.

### **Conclusion**

It is therefore concluded that whilst the works to the building do 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, retention of the paintwork and signage would not harm the Grade II listed building or its setting. Consequently, the current application is recommended for approval subject to a condition requiring compliance with the submitted plans to give clarity to what has been granted Listed Building Consent if this application were to be approved.

### **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