

DELEGATED DECISION REPORT

**HPK/2022/0148 & 12 HIGH STREET EAST
HPK/2022/0501 GLOSSOP
Valid 02/11/2022**

**RETROSPECTIVE
ADVERTISEMENT CONSENT
AND LISTED BUILDING
CONSENT FOR THE
ERECTION OF A SIGN AND
PAINTING OF THE PROPERTY**

MAIN ISSUES

- Design & Conservation
- Amenity

DESCRIPTION OF SITE

The applications relate to No.12 High Street East, Glossop; a two storey terraced building that fronts the public highway to the north. To the rear is a small shared yard with access from Smithy Fold, a small road that forms a junction with High Street East adjacent to the neighbouring premises No.14 High Street East.

The row of properties (No.8-14 High Street East) are Grade II Listed building and lie within a highly prominent location within Glossop Town Centre and the Norfolk Square Conservation Area, within close proximity to a number of other Listed Buildings

The premises was recently granted Full Planning and Listed Building Consent for the change of use of a former café to a hot food takeaway under HPK/2021/0306 and HPK/2021/0336 respectively. The premises is now occupied.

On the carrying out of a site visit, it was noted that the exterior of the shop front has been painted in a 'dirty' shade of yellow, and that an internally illuminated sign has been erected above adorning then name of the takeaway. Neither aspect of development has been the subject of the necessary Advertisement Consent of Listed Building Consent.

PROPOSAL

Following a complaint made to the Council's Enforcement Team and subsequent investigation, the applicant seeks retrospective Advertisement Consent (HPK/2022/0148) and retrospective Listed Building Consent (HPK/2022/0501) for illuminated signage and the painting of the exterior of the shop front.

The sign spans a width of 3.7m and has a height of 660mm. extending some 120mm outwards from the principal elevation. The sign depicts the name of the takeaway 'Mamo Eat' with a stained timber frame background with gold brush aluminium letters with similarly coloured acrylic circles surrounding them.

The Lighting Statement that accompanies the application states that the LED lights that form the illuminated signage has a luminous efficiency of 85lm/w with a lumen per module of 240lm.

For context, the following images show the appearance of the shop front before and after the unauthorised works subject of this application is presented below.



Above: Shop front as was prior to the granting of planning permission under HPK/2021/0306 and HPK/2021/0336 for the change of use to a hot food takeaway



Left: Unauthorised painting and signage subject of retrospective Advertisement Consent and Listed Building Consent

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National

Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S5 Glossopdale Sub-area Strategy
CF1 Town Centre Retail
EQ6 Design and Place Making
EQ7 Built and Historic Environment

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has been subject to a long planning history. The applications post 2010 are set out below:

HPK/2010/0545 & HPK/2010/0546	Planning and Listed Building Consent for Change Of Use From Clothing Shop To 'the Pancake And Coffee Lounge' (Approved 19/11/2010)
HPK/2021/0306 & HPK/2021/0331	Change of use of vacant cafe unit (Use Class: E) to a hot food take-away (Use Class: Suis generis) together with associated external alterations (Approved 28/09/2021)

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd December 2022
Neighbour consultation period ends: 8th December 2022
Press Advert: 15th December 2022

Public Comments

4no. representations have been received in objection to this application, the grounds of which are summarised below:

- Choice of paint colour out of keeping with character of area and wholly inappropriate
- Illuminated signage overwhelms shop frontage and is wholly inappropriate

- Harm to character and appearance of Listed Building

Town / Parish Comments

N/A

HPBC Conservation Officer

OBJECTION – recommend refusal

8-14 High Street East are Grade II Listed Buildings of traditional scale and vernacular materiality. They sit in a very visually prominent location in Norfolk Square Conservation Area, Glossop, adjacent to a main thoroughfare and crossroads intersecting Victoria Street and Norfolk Square (B6015). There are a further twelve other Listed Buildings in close proximity to 8-14 High Street forming what is a historic core, sensitive to change within this portion of this Conservation Area.

Characteristics of the traditional buildings in this vicinity consist of minimal detailing in close knit terraces or cottages, constructed in an intimate scale and massing and built in humble local materials. All elements of which contribute to the historic uniformity, character of the area, and legibility of the areas past.

The scheme shows features on the principle street facing elevation of a traditional window frame and door frame painted in a dayglow yellow colour and the installation of an LED backlit contemporary commercial sign. At the very least, neither the Heritage Statement nor the Design and Access Statement provides any justification, Impact Assessment or exploration as to how this could be appropriate for the Listed Building or Norfolk Square Conservation Area.

There doesn't seem to be any consideration or respect paid to the Listed Building, Conservation Area or Setting or either through this scheme. Neither proposed elements are traditional, sensitive, nor does the proposal effectively take into account the numerous designated Heritage Assets of the vicinity to ensure the interventions are subservient and therefore sensitive.

To conclude, the scheme is wholly inappropriate. Substantial harm has been imposed on the Listed Building and Conservation Area therefore this cannot be supported.

Glossop and District Heritage Trust

This property lies in the Norfolk Square Conservation Area and is Grade 2 Listed. It is part of a block with nos 8, 10 and 10A, built as three houses by Robert Wagstaffe on a lease granted in December 1826, and in the later 19th century converted to shops. These are some of the earliest surviving buildings in the centre of the new town, Howardtown.

In 2012 the Council obtained Heritage Lottery funding for the Glossop Townscape Heritage Initiative, which provided grants to encourage property owners in the town

centre Conservation Areas to repair or restore historic frontages. This included a number of properties on High Street East. A heritage colour palette was adopted and has been applied to subsequent permissions, together with controls over inappropriate signage. The result has been a significant improvement in the appearance of the town centre and restoration of some of its historic character.

In order to maintain this standard and to justify the investment by the Lottery, the Council and the property owners, it is essential that any infringements of Conservation Area requirements should be enforced, consistently and in a timely fashion. However, a decision on a retrospective application, HPK/2021/0165, for a nearby property, made after enforcement action, is still outstanding after nearly 12 months.

This is bound to give property owners, developers and their agents the impression that the requirements can safely be ignored. In the case of 12 High Street East, neither the colour scheme nor the size and design of the signage would appear to be consistent with the conditions imposed on recent permissions in the vicinity.

Environmental Health

Illuminated advertising isn't really a technical issue; it's simply a case of comparing the figures supplied by the applicant with an appropriate standard. Other than that isn't a matter of visual amenity (public taste) rather than nuisance.
Standard – the following is widely adopted

Professional Lighting Guide 05: The brightness of illuminated advertisements (2015)
– Institute of Lighting Professionals.

Unfortunately, I don't have access to a copy of this but these are the recommended levels for EZ3 and 4

Up to 10m ²	Suburban / Zone 3	600 cdm ²
Over 10m ²	Suburban / Zone 3	300 cdm ²
Up to 10m ²	Suburban / Zone 4	600 cdm ²
Over 10m ²	Suburban / Zone 4	300 cdm ²

ENVIRONMENTAL ZONES:

The ILP recommended that in their Development Plans, Local Planning Authorities specify the following environmental zones for exterior lighting control.

Category Examples

E1: Intrinsically dark areas National Parks, Areas of Outstanding Natural Beauty, etc
E2: Low district brightness areas Rural or small village locations
E3: Medium district brightness areas Small town centres or urban locations
E4: High district brightness areas Town/city centres with high levels of night-time activity

Illuminated advertising is probably not appropriate for EZ 1 and EZ2, but that's very much a matter for the planning officer to decide.

Derbyshire County Council Highways

No highway safety objections subject to the illumination of the sign not exceeding 800 cd/m2.

OFFICER COMMENTS

Principle of Development

The applications seek retrospective advertisement consent (HPK/2022/0148) and retrospective Listed Building Consent (HPK/2022/0501) for signage and painting associated with the shop front of a hot food takeaway that occupies the site, following the granting of planning permission under HPK/221/0306 and HPK/2021/0336.

The site forms part of a row of ground floor retail units that lies within the heart of Glossop Town Centre and within the Norfolk Square Conservation Area.

Whilst the general principle of signage to advertise the hot food takeaway, and the painting of the exterior is acceptable, the site lies within an extremely sensitive location and must preserve or enhance the character and appearance of the building and wider setting of the Conservation Area, having regard to LP Policy EQ7, and relevant restrictive planning policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The principle of both aspects of development (signage and painting) can therefore only be accepted where the application can demonstrate compliance with the above legislation and policy, or, where there is conflict, demonstrate that there are public benefits that sufficiently outweigh any identified harm.

In terms of the advertisement consent, Paragraph 136 of the National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control of advertisements should be efficient and effective and simple in concept and operation. However, as set out in paragraph 136, only matters of amenity and public safety and the cumulative impacts of advertisements should be taken into consideration.

Design & Conservation

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 6 of the Design Guide SPD (2018) contains useful guidance for Shop Fronts. In particular paragraph 6.3 states:

6.3 Advertisements and signs should always be designed to complement the appearance of the shop front, building and character of the area. Fascia signs should be slim and not be a dominant feature of the frontage. Hanging signs offer a more traditional approach and add interest and individuality to the street scene.

The High Peak Design Guidance for signs states with regards to lighting that:

“shop signs do not generally require lighting if the level of the street lighting and the lights from the window are adequate. Any lighting incorporated should be discreetly hidden on suitable parts of the building. The cornice provides a suitable place for sensitive strip or floodlighting. This may be suitable if the establishment is one frequented in the evenings, e.g. bars, restaurants and bistros”

The High Peak Shop Fronts Guidance states the following, specifically with regards to shop front design in conservation areas:

“Conservation Areas are areas of special architectural or historic interest whose character and appearance should be preserved and enhanced. Very high standards will be sought on shopfronts within Conservation Areas. It is important that designs preserve and enhance the historical character of both the general street scene and the individual buildings which contain them.

Within a Conservation Area there will always be a strong presumption in favour of retaining traditional shopfronts, through repairs and the restoration of original details.

If a replacement shopfront is considered to be appropriate the general characteristics of other shopfronts in the street should be followed and traditional details reflected.

High standards of design will be expected and traditional forms of construction required.”

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraph 133 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 136 of the NPPF states that 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 into account cumulative impacts.

Paragraphs 199-202 of the NPPF set out how a Local Planning Authority should assess the significance of a heritage asset and how to assess the impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The property is a Grade II Listed Building that lies within the heart of Glossop in a highly prominent location within the Norfolk Conservation Area and on the main thoroughfare through the town centre. As such, any changes to the external principal elevation of the shop front and any supplementary signage should be handled with extreme care.

Paragraph 194 of the NPPF requires the applicant to assess the historic significance of a heritage asset. The heritage section of the supporting Statement simply contains a copy of the listing from Historic England, and completely fails to carry out any assessment of significance.

The proposed choice of coloured paint is a wholly unsympathetic shade of yellow that fails to preserve the historic character and appearance of the Listed Building. The LPA do not object to the painting of this exterior but a softer more sympathetic and subtle pastel/recessive colour should be introduced, consistent with what was there before this unauthorised work was carried out. Furthermore, the timber frame that forms the background for the illuminated signage is not in keeping with the sympathetic signage that lies within the local vicinity.

Turning to the signage, it is considered that there is no reasonable justification for any illuminated signage in this area, given that the premises lies on a busy thoroughfare with street lighting present immediately opposite. The supporting documents submitted with the application do not contain any justification for the proposal. Notwithstanding, any illuminated signage in sensitive locations such as this should be discreet. This proposed signage is the opposite of discreet.

Officers fully concur with the comments provided by the Council's Conservation Officer and Glossop & District Heritage Trust and consider both the introduction of a new painted shopfront and signage to be wholly unacceptable, resulting in less than substantial harm to the character and appearance of the Listed Building and wider Conservation Area.

There are no public benefits that outweigh this identified harm and as such the application is in direct conflict with LP Policies S1, EQ6 and EQ7, and relevant restrictive national policies under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The application is accompanied by a (brief) Lighting Statement that contains the specification for the LED lighting. The lux levels would fall within the parameters set out by the Council's Environmental Health Officer.

Whilst there are not considered to be any harmful impacts with regards to light pollution, the result of the poorly and wholly unsympathetic signage and painted shop front would harm the visual amenity of the area, contrary to LP Policies S1 and EQ6.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Following an enforcement complaint and subsequent investigation, the applicant is seeking retrospective Advertisement Consent (HPK/2022/0148) and Listed Building Consent (HPK/2022/0501) for proposed internally illuminated signage and the painting of the exterior, at No.12 High Street East, Glossop.

An assessment of the application has led Officers to reach the same conclusions to that of the Conservation Officer and Glossop and District Heritage Trust in that all aspects of the proposal are wholly unsympathetic and unacceptable on this Listed Building in this highly sensitive location in the heart of Glossop Town Centre and Norfolk Conservation Area.

It is concluded that the proposed development fails to preserve the historic interest of the Listed Building, the character and appearance of the street scene and the Norfolk Square Conservation Area, to the detriment of visual amenity, contrary to LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, and restrictive national policies relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

As such, the applications are considered to be wholly unacceptable, and are recommended for refusal for the reasons set out on each respective Decision Notice.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 18th January 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council