

DELEGATED DECISION REPORT

HPK/2023/0397
Valid 19/09/2023

6 CAVENDISH CIRCUS
BUXTON

ADVERTISEMENT CONSENT
FOR ILLUMINATED FASCIA
SIGN

(ADVERTISEMENT CONSENT)

MAIN ISSUES

- Amenity
- Public Safety

DESCRIPTION OF SITE

The application relates to No.6 Cavendish Circus; a retail unit (Class E) that has been the subject of a recent (unauthorised) change of use to a Pizza Takeaway (Sui Generis). This unauthorised use is the subject of a separate retrospective application which is pending a decision under HPK/2023/0395.

The site itself sits with a row of distinctiveness retail units known as Cavendish Circus (Nos. 2-10), and lies within a prominent and highly sensitive location in Buxton Town Centre, within the Buxton Central Conservation Area, and in close proximity to a number of Listed Buildings, most notably the Grade II Listed No.4 Cavendish Circus, and the row of properties on the eastern side of the Quadrant, all of which are listed, with the Grade II Listed Palace Hotel situated a short distance to the north.

This unit and the row in which it is situated is essentially the 'gateway; to Buxton Town Centre, sited at the junction of the main artery route (A6) which runs through the town, with the Quadrant providing access to Spring Gardens and the Market Place.

Prior to the recent unauthorised change of use of the premises to a Pizza Takeaway, the unit was previously a Hair Dressing Salon, as shown by the photograph below taken in October 2021:



PROPOSAL

Notwithstanding the pending retrospective application for the Change of Use of the existing retail unit (Class E) to a Hot Food Takeaway (Sui Generis) currently being considered under HPK/2023/0395, this application seeks retrospective Advertisement Consent for the associated signage.

Photographs of the signage that has been introduced without the necessary consent is shown below:



The signage is made up of the following elements:

- Fascia board coloured dark grey (RAL 7016)
- Branded signage lettering coloured green (RAL 6018)
- Secondary lettering finished white
- Trough 'Nano Light' LED lighting above branded lettering
- Hanging sign with same branded signage

In light of objections received by the Conservation Officer, Officers have worked with the applicant to design an alternative scheme that can address this objection. Revised plans (Rev A) have been submitted and is the subject of assessment within this report.

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
- EQ6 Design and Place Making

EQ7 Built and Historic Environment
CF6 Accessibility and Transport

Supplementary Planning Documents

Design Guide for Signs SPD
Buxton Conservation Areas Character Appraisal SPD

National Planning Policy Framework 2023

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/0266	Change of Use of Basement Storage to Wine Bar (Approved)
HPK/0002/8157	Change of Use from Existing Antique Shop to Estate Agents (Approved)
HPK/2021/0205	Change of use from Hair & Beauty Salon to Bar (with enhanced food provision) or Restaurant , new shopfront to facilitate inclusive access and replacement fire escape to rear, with minor external alterations, to improve access and escape provision (Approved 28/10/2021)
HPK/2023/0395	Retrospective Change of use to (Sui generis) for the sale of hot & cold oven baked foods (under the former A3 and A5 use class) with installation of louvre grille extraction flue to rear elevation and installation of replacement business signage (Pending)

CONSULTATIONS

Publicity

Site Notice expiry date: 9th November 2023
Neighbour consultation period ends: 10th October 2023
Press Advert: 19th October 2023

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

Initial Comments

OBJECTION

The Heritage Statement is poor and goes into no analysis of the heritage assets concerned, nor does it thoroughly acknowledge the character of the Buxton Central Conservation Area.

The site though not listed, is part of an original row of shops and frontages hugging the corner of Cavendish Circus. Among the row is Grade II Listed No.4 Cavendish Circus. Opposite is Grade II Listed Palace Hotel, and to the east is Grade II Listed No.1-9 The Quadrant. The vicinity is quite open, and adjacent to a busy gateway location from the east and west across a core area of the town.

The scheme includes the addition of lime green 3D wording, which is illuminated via long LED bar above. However, from preliminary investigation it may also include illumination behind the lettering to make for a brightly lit board, though this requires confirmation. Further investigation shows that behind the boarding is the original stone parapet and walling. Unfortunately through this project there is little information as to how the signage has been affixed to the historic masonry.

The shopfront, exhibiting some well survived traditional multi-pane large windows have been painted anthracite grey. Something of which is not supported and it is not clear as to whether it was as existing or part of this scheme. Clarity required.

To conclude:

The frontage of No.6 has created a weakened aesthetic among the setting of the nearby listed buildings, and among the Conservation Area. I do not believe the scheme has proactively mitigated any potential harm on the assets, nor am I confident that the HPBC Shopfronts Design Guide SPD has been utilised to inform the scheme. Backlit wording, extensive illuminations and or LED up/downlights are not encouraged. There is no precedent for this.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Areas, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF, paragraph 202 is conflicted and the harm would be less than substantial. It is not considered there are public benefits to outweigh this harm and as such I cannot provide full support.

Revised Comments

Colour is an improvement and the lighting has been reduced sufficiently. No objection in relation to revised plans (Rev A).

Environmental Health

Proposed Lighting Guide 05: The Brightness of Illuminated Advertisements (2015) – Institute of Lighting Professionals:

Category of Locations

EZ1	National Parks, Area of Outstanding Natural Beauty
EZ2	Rural or small Village locations
EZ3	Small Town Centres or Urban Locations
EZ4	Town/City Centres with high levels of night time activity

Recommended Lux Levels

EZ3	Up to 10m2	600cdm2
	Over 10m2	300 cdm2
EZ4	Up to 10m2	600cdm2
	Over 10m2	300 cdm2

Derbyshire County Council Highways

No comments received at time of writing

OFFICER COMMENTS

Principle of Development

Paragraph 136 of the NPPF states that advertisements subject to a specific consent process, should be subject to control only in the interests of amenity and public safety.

The site is located within the built-up area boundary of Buxton and within the Buxton Central Conservation Area. As such the application is subject to Local Plan Policy EQ7 and relevant paragraphs under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Amenity

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 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.

The Design Guidance for Signs SPD provides further useful guidance for the exterior of retail and other such uses within Town Centres. With regards to lighting it states that any lighting incorporated should be discreetly hidden on suitable parts of the building, which can include more sensitive strip or trough lighting. There is also an emphasis on fascia's being of a reasonable scale that does not detract from the appearance of both the building and the street.

With regards to projecting hanging signs, the SPD states that the size of the sign should relate to the size and scale of the shopfront and building, and should normally be positioned at first floor level so that it does not obstruct the fascia or any architectural details.

Paragraphs 199-202 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and the potential 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 site lies within a highly prominent and highly sensitive location at the northern end of the Quadrant, within the Town Centre, the Buxton Central Conservation Area, and within close proximity of a number of Listed Buildings, including its close neighbour No.4 Cavendish Circus. As such, signage needs to be designed and introduced in a careful and sensitive manner commensurate with its context.

Whilst the fascia and hanging sign were considered to be acceptable with regards to its visual amenity and potential impact on the street scene and conservation area, Officers raised significant concerns with regards to the proposed signage as submitted.

The aspects of contention centred on the colour of the proposed branded signage, and brightness of the trough lighting above, with concerns that the introduction of this unsympathetic and low quality signage could set a dangerous precedent for other such branded illuminated signage in this highly sensitive location in the conservation area.

Having presented these concerns to the agent, revised plans have been received (Rev A) that show a significant reduction in the lux levels of the trough lighting and the colour of the branded signage being 'toned down' to a darker green, which are considered both individually and cumulatively to overcome initial concerns and, once installed, will respect and preserve the sensitive character and appearance of the site, wider street scene, and conservation area.

Given the retrospective nature of the application, it is recommended that a condition requiring that the unauthorised signage and lighting is removed and replaced with the approved signage within a specific timeframe from the date of the decision notice.

Subject to this condition it is considered that the proposed signage is acceptable and complies with LP Policies EQ6, EQ7, relevant policies contained under Chapter 16 of the NPPF and S72 of the Act 1990.

Public Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

The Highways Authority have not provided any comments in relation to the proposed fascia signage. However, in the absence of any comments it is judged that given the proposed signage is flat and does not overhang the street, and the height of the hanging sign above the street level, there are not considered to be any adverse impacts to public safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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 application seeks retrospective permission Advertisement Consent for proposed signage in connection with a Takeaway at No.6 Cavendish Circus. The applicant has sought retrospective permission for the proposed change of use from a retail unit to a takeaway which has been considered and approved under HPK/2023/0395.

Whilst the existing (unauthorised) signage is not acceptable, Officers have worked in a positive and proactive manner with the applicant to arrive at an amended scheme which does respect its sensitive setting within the Buxton Central Conservation Area within close proximity of a number of heritage assets.

Subject to strict conditions requiring that the unauthorised signage is removed and replaced with the amended acceptable signage within an appropriate timescale, it is recommended that in its revised form, the application is acceptable with regards to all relevant local and national planning policies and supplementary guidance and constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 23rd November 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council