

COMMITTEE REPORT

Date: 6 September 2018 **Ward:** Haxby And Wigginton
Team: Householder and **Parish:** Haxby Town Council
Small Scale Team

Reference: 18/01395/ADV
Application at: Jinah Balti 18 The Village Haxby York YO32 3HT
For: Display of internally illuminated fascia sign (resubmission)
By: Mr Matab Shamim
Application Type: Advert Application
Target Date: 12 September 2018
Recommendation: Approve

1.0 PROPOSAL

1.1. The application site relates to an Indian takeaway located within the Haxby Conservation Area, situated within the main primary shopping area. This application seeks retrospective advertisement consent for an internally illuminated fascia sign fixed above the main entrance to the principal elevation.

1.2 This application is a resubmission for previously withdrawn retrospective advertisement consent (reference 18/00097/ADV) for a one internally illuminated fascia sign and one internally illuminated box shape hanging sign. This application was withdrawn following officer concerns relating to the appearance of the hanging sign and the lack of information regarding the illumination levels.

Site History:

1.3 Change of use from dwelling to retail shop with ancillary office accommodation (ref: 96/07951/FUL).

Sub-Committee Determination:

1.4 This application has been called to be determined at the September Sub - Planning Committee by Councillor Ian Cuthbertson if officer recommendation is to approve this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

2.2 Policies:

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Item No:

Development Control Local Plan 2005
GP21 Advertisements
HE8 Advertisements in historic locations

Emerging Local Plan
D13 Advertisements

3.0 CONSULTATIONS

Public Protection

3.1 No objections

Haxby Town Council

3.2 Object. The application is within the conservation area. All similar applications in the past have been objected to by this Council and City of York Council has always supported Haxby Town Council with its decision.

Publicity

3.3 One objection on the grounds of the adverse effect on the conversation area, to allow this would be manifestly unfair to all those who have been prohibited in the past from so doing.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact to the Conservation area
- Impact on neighbour amenity
- Public safety

POLICY CONTEXT

4.2 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers under these regulations can only be exercised in the interests of amenity and public safety.

4.3 Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. Within Conservation areas, paragraph 193 considers that the impact of a proposed development on the significance of a designated heritage asset, advises that great weight should be given to the asset's conservation (and the more important

the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a proposal would 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.

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. Policy D13 advises that permission will be granted for the display of advertisements where they: are of a scale, design, material, finish and position and number that will not cause harm to visual or residential amenity, or the to the character of the host building, and will respect the character and appearance of a building or the street scene; and positively reflect the of amenity and public safety. In addition box hanging signs will not be supported because they create an adverse impact on the significant and character of a conservation area.

4.5 The City of York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy GP21 Advertisements states that permission will only be granted for signs where: their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings and conservation areas; where there is no adverse effect on public safety; and in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas. Policy HE8 relating to advertisements in historic locations states that within conservation areas advertisements will be of a design and scale that respects the character and appearance of the area and consist of good quality materials.

Impact on the Conservation Area/ Visual amenity

4.6 This site is situated within the Haxby Conservation Area where s72 of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. Where there is found to be harm to the character or appearance of the Conservation Area, the statutory duty means that such harm should be afforded substantial weight. The duty imposed by Planning (Listed Building and Conservation Area) Act 1990 means that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development the decision-maker should give particular weight to the desirability of avoiding such harm. The process is one of planning judgment but it must be informed by that need to give special weight to maintaining the conservation area.

4.7 The host building is located on the north side of The Village part of a row of former terraced houses which have been converted into commercial uses. This building is currently in use as an Indian food takeaway on the ground floor and residential above. The signage in place comprises of an internally illuminated composite aluminium "box tray" fascia sign positioned above the existing ground floor windows measuring approx 2.9 metre in width. The design has a black colour background supporting red and white lettering advertising "Spice Village Indian Take away". The sign is illuminated by florescent tubes and illuminated to a maximum of 300 candelas per square metre, only the lettering is illuminated. A box shape projecting sign and the heavy external wires to the principal elevation has been removed since the previous application. The use previously had an advertisement canopy which has been removed to reveal the architectural detailing of the door and window.

4.8 Objections have been raised regarding harm to the Conservation Area. The signage is positioned above the shop front and does not exceed 0.12mm in depth from the face building. It is of a similar size and scale to the ground floor attached shop units, albeit others are non- illuminated. These shop units are opposite a small shopping complex on the south side of the street constructed in the 1970s, separated by the public highway incorporating a local store with parking to the front. There are noticeable visible coloured advertisements to the front of these shops. Whilst the internal illumination of the signage is not ideal, in this instance it is read in association with the commercial context of the adjacent buildings. There is some justification for illumination given the use of the building as part of the evening economy. Because the building does not have a traditional shopfront, external illumination would involve the introduction of a trough-light which would add to the clutter on the front of the building. Furthermore, the illumination levels proposed would be relatively low. Therefore, on balance it is considered that the retention of this sign is acceptable in terms of its affect on visual amenity, taking account of the commercial location within the conservation area. The sign would result in less than substantial harm to the conservation area, appropriate weight has been given to avoiding this harm but it is considered that there are public benefits in providing advertising to an evening use within the shopping area.

Public Safety

4.9 It is not considered that the sign would impact on public safety including the use of the pedestrian crossing.

5.0 CONCLUSION

5.1 The advertisement is considered to be acceptable in the conservation area, whilst it would result in less than substantial harm to the designated heritage asset this would be outweighed by public benefits. The proposal would comply with the National Planning Policy Framework, the Publication Draft Local Plan policy D13

(Advertisements) and policies HE8 (Advertisements in Historic locations) and GP21 (Advertisements) of the Development Control Local Plan (2005).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Elevation plans drawing number 1801 revision B and supporting email which confirms the width of the internal florescent tubes will be reduced to 600mm and illuminated to a maximum of 300 candelas per square metre.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 The signs hereby approved shall only be illuminated during the opening hours of the business.

Reason: In the interests of visual and neighbour amenity.

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