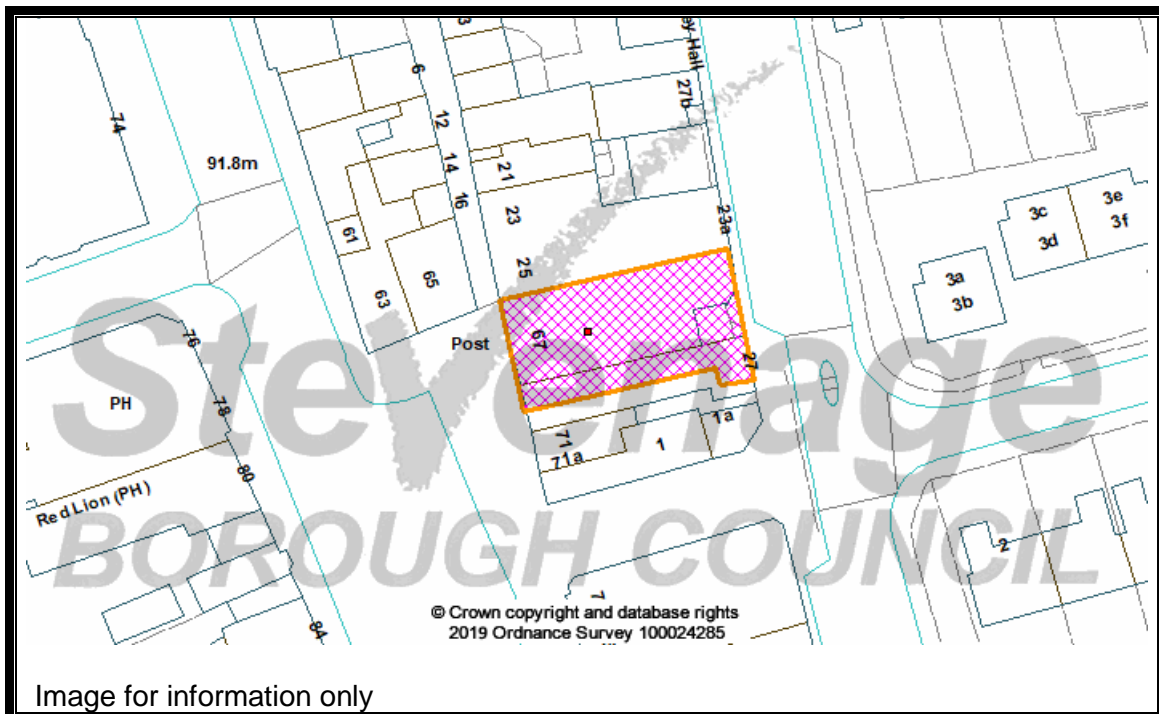


Meeting:	Planning and Development Committee	Agenda Item:
Date:	10 January 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	22/00834/AD
Location :	67 – 69 High Street, Stevenage, Herts
Proposal :	Installation of 1 no. externally illuminated fascia sign, 1 no. externally illuminated projecting sign and 3no. internally illuminated window light boxes.
Drawing Nos.:	Site Location Plan; FINAL-NL-170722-500; FINAL-NL-170722-502; NL-170722-101-A; NL-170722-102-A; FINAL/NL/170722/501-D; FINAL-NL-170722-503-C;
Applicant :	Boyle Sports (UK) Limited
Date Valid:	15 September 2022
Recommendation :	GRANT ADVERTISEMENT CONSENT



1. SITE DESCRIPTION

- 1.1. The application site is located on the eastern side of the High Street, at the southern end and adjacent to the entrance of the pedestrianised street of Middle Row to the north. To the

south are commercial units and the pedestrianised stretch of Albert Street. To the west is an area of cobbled highway with the vehicular highway of High Street beyond whilst to the rear (east) is the vehicular highway of Church Lane with residential dwellings beyond.

- 1.2. The property is a Grade II Listed Building within the Old Town Conservation Area. The property dates to the 18th century (or earlier) and is of red brick construction with a clay tile roof. There are various gabled extensions to the rear, both old and new. The ground floor shopfront is brown timber framed with large windows above a dwarf brick wall (stall riser), whilst the first floor is painted white brickwork with black timber framed windows. There is a black painted frieze and a variety of vinyl signage and one large black lantern light. The current occupier of the premises uses the large cobbled pedestrian highway area to the front of the store to display a variety of goods for sale.

2. RELEVANT PLANNING HISORY

- 2.1 99/00379/LB Two Storey Rear Extension 26.01.2000. Granted.
- 2.2 99/00381/FP Two Storey Rear Extension 26.01.2000. Granted.
- 2.3 04/00389/FP Single storey rear extension to shop 29.11.2004 PER
- 2.4 04/00490/LB Application for listed building consent for demolition of existing rear canopy, erection of single storey rear extension to shop and internal alterations to enlarge retail area 29.11.2004. Granted.
- 2.5 10/00488/FP Conversion of first floor and part rear ground floor to form 4no. one bedroom flats. 20.12.2010. Granted.
- 2.6 10/00489/LB Listed building consent for the conversion of first floor and part rear ground floor to form 4no. one bedroom flats. 20.12.2010. Granted.
- 2.7 21/01102/LB Strip off defective roof tiles and tiling battens, replace breathable roofing membrane, supply and fix treated timber battens and re-tile using handmade clay plain tiles 26.11.2021. Granted.

3. THE CURRENT APPLICATION

- 3.1 The proposal seeks advertisement consent for the installation of 1no. externally illuminated fascia sign, 1no. externally illuminated projecting sign and 3no. internally illuminated window light boxes.
- 3.2 This application comes before the planning committee as it was called in by Councillor Jim Brown.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the applications via letter, the erection of site notices and a press notice in the local newspaper, no comments relating to the proposed signage were received.

5. CONSULTATIONS

5.1. Historic England

5.1.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. We suggest that you seek the views of your specialist conservation and archaeological advisers.

5.2. Herts County Council as Highways Authority

5.2.1 The site fronts a wide public footpath, changes to the site are essentially the frontage of the building and signing. Illuminance levels of the lit signs at 250 cd/m² are well within the existing standards. The projecting signs are above the 2.3m required from ground level to the bottom of the sign. Subject to the informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission. Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.3. B.E.A.M.S (The Council's Conservation and Listed Building Advisor)

5.3.1 The interior at ground floor level has been extensively altered and all historic internal partitions have been removed. As such there is no objection to the minor internal alterations to the ground floor layout. The 2 new air-conditioning units are concealed behind existing gates to rear (Church Lane) elevation so will not be publicly visible - no objection. The existing timber shopfront is relatively modern and there is no issue with its replacement in principle. However, it is recommended the design is amended/enhanced. It is recommended the new glazed shopfront incorporates glazing (with suitably spaced timber mullions) above a stall riser along its length (instead of brick blocking the existing unused door opening). The existing shopfront has a simple moulded timber fascia, this should either be retained, or a new shopfront created with integral timber fascia with pilasters, consoles and other traditional shopfront detailing - the necessary signage can be applied to this. The large vinyl to the arch headed door and the internal light boxes do not really respect the character of the Old Town Conservation Area. The 2 satellite dishes to the rear are obtrusively sited upon the Church Lane elevation and detract from the character and appearance of this part of the Conservation Area. Setting them back from the Church Lane elevation so they are less visually intrusive is recommended.

Further Comments received 18 November 2022 upon receipt of amended plans:

5.3.2 The timber shopfront design is satisfactory as is the externally illuminated signage. However, BEAMS has concerns over the vinyl signs which are visually intrusive. BEAMS takes the view that these would require Listed Building consent and do not consider them an acceptable addition to the listed building and to detract from the Conservation Area street scene. The proposed internal light boxes (5 in all) are considerable in number, and we would prefer a reduction in number and / or containing their use to the main shop front and not the window to the side. If these are deemed acceptable their illumination should be controlled. Having seen these types of signs in operation within a betting shop window recently I was struck by how bright and garish they are, particularly at night hence raising concerns at this stage. Details of the shopfront door should either be provided or detailed via condition, a traditional door design is expected (the plans are not sufficiently clear). One of the satellite dishes to the rear has been relocated to a less prominent position, as such the single satellite dish to the gable end will result in less visual clutter than initially

proposed - so acceptable in principle. Recommend the vinyl signs are removed from the current application and that the other issues are dealt with via condition or as appropriate.

5.4 Environmental Health

5.4.1 No objection

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 Adopted Local Plan (2019)

6.4.1 The policies set out below are relevant in the determination of this application:

- SP8 - Good Design;
- SP13 – Historic Environment;
- GD1 - High Quality Design;
- NH10 – Conservation Areas;

6.5 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2009.
Old Town Conservation Area Management Plan 2012

7. APPRAISAL

- 7.1.1 The main issues to be considered are the effects of the proposed signage on the safety of the public and on the visual amenity of the Conservation Area and Listed Building.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Design and Impact upon the Listed Building and Conservation Area

- 7.2.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should 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 of the same Act states that in the exercise of planning functions with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.2.2 Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.2.3 Paragraph 200 goes on to state that 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.
- 7.2.4 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 202 of the NPPF (2021), this sets out that where a development proposal will 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 including, where appropriate, securing its optimum viable use.
- 7.2.5 The NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. However, the presumption 'to preserve' is not irrebuttable and "can be outweighed by material considerations powerful enough to do so" (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).
- 7.2.6 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a) Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b) Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
 - c) Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

- 7.2.7 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects 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; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.2.8 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.9 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.10 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.11 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 7.2.12 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute

towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

7.2.13 Paragraph 40 of the National Design Guide states that well-designed places are:

- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- Integrated into their surroundings so they relate well to them;
- Influenced by and influence their context positively; and
- Responsive to local history, culture and heritage.

7.2.14 The property is a Grade II Listed Building within the Old Town Conservation Area. The property dates to the 18th century (or earlier) and is of red brick construction with a clay tile roof. There are various gabled extensions to the rear, both old and new. The ground floor shopfront is brown timber framed with large windows above a dwarf brick wall (stall riser), whilst the first floor is painted white brickwork with black timber framed windows. There is a black painted frieze and a variety of vinyl signage and one large black lantern light.

7.2.15 The High Street and Middle Row have a commercial character featuring a proliferation of modern shopfronts and synthetic signage in bright colours, which somewhat already detracts from the setting of the Listed Building.

7.2.16 The Historic England entry for the property is as follows:

C18. Red stretchers, grey headers, hipped tiled roof with corbelled cornice. 2 storeys, 4 flush sash windows with glazing bars under cambered arches. Modern shop front to centre and left. Right central doorway with fanlight under cutter red brick semi-circular arch.

Nos 67 and 69 form a group with Nos 81 to 87 (odd) which are of local interest.

The significance of the listed building therefore, relates predominantly to its shopfront, sash windows and a doorway with fanlight and semi-circular brick arch, all of which are on the front elevation.

7.2.17 Historic England have assessed the proposal and have no concerns so do not wish to make any comments on the proposal. B.E.A.M.S initially raised some concerns over the original submission and subsequently plans were amended in line with their recommendations to the final scheme. They have maintained concern regarding the illuminated signage on the windows but do not recommend refusal, subject to conditions relating to its illumination levels.

7.2.18 The High Street and Middle Row are commercial in nature and contain a number of modern shopfronts and illuminated signage. In this regard, the Council do not consider that the proposed shopfront would be out of keeping with the surrounding area. It is therefore considered that the proposed development would amount to less than substantial harm to the heritage assets, at the lower end of the scale.

- 7.2.19 In regard to the impact of the signage on the Listed Building, following on-going negotiations with the applicant and the Council's Heritage Advisor, the proposed signage would now comprise the installation of an externally illuminated projecting sign, an internally illuminated timber fascia with cut fret lettering affixed to the timber fascia, and 3no. light boxes within the main glazed area of the shopfront. Given the signage has been designed to reflect similar signage attached to historic buildings within the Old Town, it is considered that the signage would appear sympathetic with the character and appearance of the Listed Building.
- 7.2.20 Given the aforementioned comments, it is considered that the proposed signage, subject to appropriate conditions, would not have a detrimental effect on the historic character and appearance of the Listed Building and would preserve the historic character of the Old Town Conservation Area.

7.3 Impact upon Public and Highway Safety

- 7.3.1 The application site is within a commercial area of the High Street with no residential dwellings in the immediate surrounding area. The surrounding premises have a variety of fascia signs, window signs and projecting signs both illuminated and non-illuminated.
- 7.3.2 The projecting sign will be approximately 3m above ground level and would not therefore impede pedestrians passing in front of the premises. The window light boxes and fascia signs would be part of the shopfront and therefore not project into the public footpath to impede pedestrian traffic.
- 7.3.3 Whilst the signs will be visible from a public highway used by vehicular traffic, Herts County Council as Highways Authority have assessed the application and not raised any concerns, subject to suitable conditions relating to illuminance. The shopfront is set back approximately 10m from the parking bays to the front and approximately 15m from the main vehicular highway. As such it is not considered that the signs would distract motorists to the detriment of highway safety.

7.4 Equality, Diversity and Human Rights

- 7.4.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.4.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.4.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.4.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.4.5 The proposed signage, given its siting, will not impede the safety of persons who are protected under The Equalities Act 2010.

8. CONCLUSIONS

8.1 Overall it is considered that the signage does not present a safety risk to the public or have an adverse effect on the amenity of the area including the historic character of the listed building. Accordingly, it is recommended that advertisement consent be granted.

9. RECOMMENDATIONS

9.1 That advertisement consent reference 22/00834/AD be GRANTED subject to the following conditions / reasons:

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

Site Location Plan; FINAL-NL-170722-500; FINAL-NL-170722-502; NL-170722-101-A; NL-170722-102-A; FINAL/NL/170722/501-D; FINAL-NL-170722-503-C;

REASON:- For the avoidance of doubt and in the interests of proper planning.

2 This consent shall be for a limited period only, expiring FIVE years after the date of this notice and on or before that date the advertisement shall be removed and the building/land be restored to its former condition.

REASON:- To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 A. 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.

B. No advertisement shall be sited or displayed so as to:-

- i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

C. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

D. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

E. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON:-In accordance with Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted October 2009, Old Town Conservation Area Management Plan 2012.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.