

## **DELEGATED REPORT**

**Application No: 16/05423/AR**

**Details of location and proposal and Relevant History:**

**57 - 59 Walcot Street, Bath, BA1 5BN, ,**

The application seeks advertisement consent for the identification of the business known as 'Melanie Giles' and its building number, hand painted on the principal elevation of No. 57 - 59 Walcot Street, Bath. The application site is located within the Bath Conservation Area and City of Bath World Heritage Site.

Relevant Planning History:

16/02104/AR - Identification of business operation and building number, hand painted on principal elevation (Retrospective). REFUSED 05.07.2016

**Summary of Consultation/Representations:**

Objection: Conservation and Historic Environment Team

(Summary of points raised)

- The Justification Statement does not provide a compelling or convincing case that would result in a favourable assessment of the signage and therefore an objection to the principal of using alternative (upper storey) signage remains.
- The signage and the use of the anthracite colour to cover the entire elevations of the building, not just contained to the shopfront, are regarded as discordant and detracts from the predominant character of the streetscape and fails to preserve or enhance this part of the Bath Conservation Area.
- The signage utilises what appears to be an arbitrary and idiosyncratic lettering style that is not redolent of any of the existing signage in the street.

Objection: Bath Heirtage Watchdog

"The works, by virtue of an unacceptable paint colour applied to the façade, excessive, unnecessary and oversized signage are considered to be detrimental to the special architectural and historic interest of the adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF and Local Plan Policies B1, B2 and CP6 of the BANES Core Strategy and saved policies BH1, BH2, BH6 and BH17 of the BANES local plan and should be refused."

Support: Five letters of support have been submitted by local residents and business owners.

The main reasons cited for supporting the proposal are that the alternative treatment towards signage/advertisement is considered to fit with the independent, artisan character and appearance of the area of Walcot Street. It is also considered that support and encouragement should be given towards independent retailers / businesses.

## **Policies/Legislation:**

The Town and Country Planning (Control of Advertisement) (England) Regulations 2007

Planning (Listed Buildings and Conservation Areas) Act 1990

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy

Saved Policies in the B&NES Local Plan (2007)\*

Joint Waste Core Strategy

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following policies of the Core Strategy should be considered:

DW1 - District Wide Spatial Strategy

B1 - Bath Spatial Strategy

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations

D.4 - Townscape considerations

BH.2 - Listed buildings and their settings

BH.6 - Conservation areas

BH.17 - Advertisement consents

Supplementary Planning Documents (SPD) relevant to this application are;

- o Bath Shop fronts: Guidelines for Design and Conservation (1993)
- o Bath City-wide Character Appraisal SPD (2005)
- o Advertisements & Illuminations
- o Walcot Street Works, 1997

Adopted Guidance:

Commercial signage and tables and chairs on the highway. Guidance adopted 2016

The draft Placemaking Plan has been approved for Development Management purposes. Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes have been subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2 Local Character & Distinctiveness  
D.9 Advertisements & Outdoor Street Furniture  
H1 - Historic Environments

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

Section 7: Requiring good design  
Section 12: Preserving and enhancing the historic environment

**Officer Assessment:**

In determining proposals for outdoor advertisements consideration can only be given to its impact on 1) visual amenities and 2) public safety. Therefore, an individual assessment of these issues is to be made as part of the decision making process for this application.

Furthermore there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area and therefore these consideration will also be taken into account as part of the decision making process.

The current application is a revised resubmission of refused (retrospective) application 16/02104/AR. The reasons for refusal of 16/02104/AR were as follows:

1 The advertisement by reason of its design, positioning and proportion is considered detrimental to visual and residential amenity and to the appearance of the building and street scene where they are displayed, contrary to Saved Local Plan Policy BH.17.

2 The advertisement by reason of its design and positioning on the host building is considered to have an overall negative impact upon the character and appearance of the Bath Conservation Area and World Heritage Site, contrary to Core Strategy Policy B4 and Local Plan Saved Policy BH.6.

3 The advertisement by reason of its design and positioning on the host building is not considered to conserve or enhance the character of the public realm and do not respond to the local context in terms of appearance, siting, spacing and layout contrary to Saved Local Plan Policies D.2 and D.4

The current revised proposal has sought to amend the existing advertisement by responding in part to some of the comments and concerns raised as part of the aforementioned refusal decision.

As part of the proposal, the traditional fascia board of the building has now been utilised to display the words 'Hair & Beauty'; however, the identification of the business 'Melanie Giles' is shown as to remain hand painted on the principal elevation above the fascia board (in its current position).

In order to rationalise the placement and current positioning of the words 'Melanie Giles', the applicant has put forth a justification statement for the proposal. This statement serves to highlight examples of alternative treatments for advertisements within Walcot Street and the city centre of Bath in general, some of which may be considered as making positive contributions and some which may be considered as detrimental to the character of the surrounding conservation area.

In response to this justification statement, the Council's Senior Conservation Officer has commented that the examples provided to illustrate deviation from the typical treatment towards advertisements within the city of Bath 'cannot be regarded as the exception that proves a rule'.

Furthermore, it should be noted that 'some of the examples provided will be longstanding and would not now be regarded as consistent with current policy guidance for instance the Council's Commercial Signage and Tables and Chairs on the Highway (July 2016) which states the following:

#### ii. Location / Position

Signs should be confined to the ground floor. Where permitted, projecting signs should be fixed to the shop-front pilasters or columns between buildings at fascia level. Regard will be had to the impact of the sign on pedestrian and vehicular safety. Generally signage above first floor window sill level will be considered inappropriate unless such signs were a historic feature of the street, including historic pictorial public house signs. Properties such as public and entertainment buildings may have originally had signage at a higher level which, due to their scale and importance may be accommodated.

#### iii. Size

The size of any sign should be proportionate to the scale of the building or structure to which it is fixed. It should not extend over windows...[...]

#### iv. Colour

Historic colours for signage will be encouraged. Subtle tones of other colours may be acceptable, depending on location. Bright or strident colours do not compliment the background of the various hues and tones of Bath Stone...

#### vi. Lettering

Lettering should preferably be traditionally sign-written or applied individual letters mounted on minimal pins. It should respect the character of the shop or business to which it relates, and be of proportionate size and extent. Use of national chain 'house styles' is unlikely to be acceptable. A bespoke approach to corporate brand signage will be encouraged based on these principles.

The above referenced Guidance is now to be given full weight in consideration of all applications relating to advertisements. In a recent appeal decision relating to the Council's refusal of inappropriate advertisements within the conservation area (ref: APP/F0114/Z/16/3159607), the Inspector commented that;

"The policy test for signage within the Conservation Area has been brought into detailed focus through the Council's adopted Guidance on commercial signage (and other aspects of streetscape) in 2016. This Guidance, which has been adopted following public consultation, promotes a more sensitive approach to signage [...] I consider that the level of detail required in the 2016 Guidance is appropriate for such an area which lies within both a Conservation Area and a World Heritage Site and can be given substantial weight in my decision."

In this instance, the Conservation Officer has stated that they regard the use of signage on the upper storeys of the building as 'uncharacteristic'. As set out in the delegated report for application 16/02104/AR, traditional signage for shopfronts within the City of Bath would typically be hand painted on the front fascia board of the premises. It is not therefore common for retail units or other premises to advertise their business or services by hand painting, freestyle, directly onto the building stone (except where this may have occurred historically or where an alternative form of advertisement design is welcomed and deemed appropriate).

Whilst examples of traditional ghost writing were provided in the submitted justification statement, unfortunately there is no evidence that this type of signage was employed historically on No. 57 - 59 Walcot Street or on other buildings located within Walcott Street. The Council's Guidance states that 'Generally signage above first floor window sill level will be considered inappropriate unless such signs were a historic feature of the street'. Unfortunately, the submitted justification statement has failed to put forward a robust case for the historic use of this alternative style of signage and advertisement in association with the property in question, or within the immediate surrounding area, and therefore the proposal may not be considered to comply with the referenced guidance.

The Conservation Officer has also stated that 'the applicant's signage utilises what appears to be an arbitrary and idiosyncratic lettering style that is not redolent of any of the existing signage in the street.' Indeed, it has been previously set out by the officer that the style and font of the proposed advertisement is unacceptable and of poor quality, particularly in the context of the wider conservation area. Whilst the chosen font may be considered to reflect the house style and branding of the business, it does not appear to have been executed to a high standard. Similarly, the Bath Heritage WatchDog has raised concerns over the style of the signage, which they consider is a 'childlike' design not appropriate for external signage.

With regards to the size of the lettering, it has been noted that the size of 'Nos 57-59' have been reduced and that the effect of relocating the words 'Hair & Beauty' to the fascia board will also reduce the size of this part of the advertisement. Notwithstanding the other concerns set out within this report, the size of the lettering employed for the words 'Melanie Giles' is considered proportionate to its proposed placement and positioning.

As to the colour of the advertisement and building, it should be noted that planning permission would not be required for painting the building a different (non-traditional) colour - only in cases where a change in colour is associated with an advertisement (as in this instance) or where the building is listed, is consent required from the Local Planning Authority. The Conservation Officer has stated that there is no objection in principle to the use of an anthracite colour on the building and that, indeed, this colour was used in the past. It was also acknowledged that there are many examples of its use within Bath.

It has previously been considered by the officer that the use of this colour tone would not have a significant adverse impact on the character of the surrounding Conservation Area due to the individual and artisan character and nature of the area of Walcot Street. The Conservation Officer has, however, raised concerns as to the use of the chosen colour over the entire elevation, which is uncharacteristic of the historic street and Bath as a whole. He states that 'The usual arrangement is for the ground floor and the shopfront to be treated differently and be distinct from the upper storeys [...] The painting of the entire front elevation in anthracite is regarded as being discordant and therefore harmful to this predominant character and defining quality'. It should also be noted that the Bath Heritage Watchdog have raised concerns as to the impact of the paint on the underlying stonework of the building. As part of negotiations and discussions, the officer had advised that it would be better to separate the use of colour for the two buildings comprising Nos 57 and 59 Walcot Street and to consider an alternative treatment of the chosen colour over the entire building and fascias. Nonetheless, the existing approach was preferred by the applicant and was therefore necessary to consider as part of the current proposal.

## Conclusion

In the officer's previous decision report for application 16/02104/AR, it was acknowledged that No 57-59 Walcot Street is located as part of an individual community of retail and business properties within the City of Bath. In addition, it was considered that Walcot Street in general is known for possessing a distinct character and that the area is valued for the contrast and variety of its buildings and their uses.

Five letters of support from local residents and business owners have been received and considered as part of this application. A majority of the comments cite the artisan and 'bohemian' character of Walcot Street and express the opinion that the proposal fits with well with this independent and distinct character.

However, as has been previously stated, despite some positive elements of the proposed advertisement and the potential for a high quality, alternative design within this distinct area of Bath, in its current form the advertisement is not considered to either preserve or enhance the character of the surrounding conservation area or World Heritage Site. Whilst an alternative approach towards signage could be encouraged, and the Council is supportive of independent styles and approaches which comply with the relevant policies, the current proposal is not considered to accord with the level of detail for signage required by the Council's Guidance, which was considered by the Planning Inspector for appeal case APP/F0114/Z/16/3159607 'to be appropriate for such an area which lies within both a Conservation Area and a World Heritage Site'. The Council's Senior Conservation Officer has not been convinced by the Justification Statement put forward by the applicant and, therefore, their reasons for their objection remain.

To clarify, it is not considered that the current proposal has done enough to overcome the objections and comments raised by the Conservation Officer and Planning Officer and therefore, despite attempts at negotiations towards a more appropriate scheme, it has been considered necessary to recommend the proposal for refusal as contrary to adopted policy and guidance.

#### 1) Visual Amenity

Saved Local Plan Policy BH.17 states that consent for the display of an advertisement will only be granted where the proposal, either on its own or cumulatively with other existing or proposed advertisements, would not be detrimental to visual or residential amenity. Saved Policy BH.17 also states that the proposal, by reason of design, positioning, materials, colour, proportion or illumination should not be detrimental to the appearance of a building or to the street scene in urban areas and villages.

Objection has been raised to the positioning of the advertisement; specifically, the placement of the words 'Melanie Giles', which identifies the business associated with the host building. No compelling rationalisation or justification (either historic or otherwise) has been put forward with regards to this element of the proposal and therefore the proposal is deemed inappropriate and contrary to the Council's guidance for commercial signage and tables and chairs on the highway, adopted 2016.

Whilst the colour of the advertisement may be deemed acceptable in a revised form, the Conservation Officer has considered that the current use of colour over the entire elevations of the building is inappropriate. In addition, the style of employed lettering (its font and execution) has been considered as arbitrary and idiosyncratic and, again, as uncharacteristic of the surrounding area and typical treatment of high quality advertisements and signage within Bath.

For the reasons set out above, the proposed advertisement is considered detrimental to visual amenity and to the appearance of the host building and street scene where it is displayed. Furthermore, and to this effect, the propped advertisement is considered to neither enhance nor preserve the character and appearance of the Bath Conservation Area or the City of Bath World Heritage Site and its setting.

#### 2) Public safety

The advertisement is not considered to impact highway safety in terms of their design, positioning, or the materials used.

There are no other safety concerns in regards to the advertisement.

**Recommendation:**

**REFUSE**

1 The proposed advertisement, by reason of its design and positioning, is considered detrimental to visual and residential amenity and to the appearance of the building and street scene where they are displayed, contrary to Saved policy BH.17 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy D.9; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

2 The advertisement, by reason of its design and positioning on the host building, is considered to have an overall negative impact upon the character and appearance of the Bath Conservation Area and World Heritage Site, contrary to Core Strategy Policy B4; Saved Policy BH.6 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy H1; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

3 The advertisement by reason of its design and positioning on the host building is not considered to conserve or enhance the character of the public realm and does not respond to the local context in terms of appearance, siting, spacing and layout contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan; emerging Placemaking Plan policy D.2; and the guidance for commercial signage and tables and chairs on the highway, adopted 2016.

**PLANS LIST:**

This decision relates to the Location Plan 863/001 dated 28.04.16; drawing 863/020 'Existing Elevation' dated 25.04.16; and drawing 863/040 Rev A dated 04.11.16; all submitted to the Council 04 November 2016.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Case Officer:**

Nicola Little

**Authorising Officer:**

Richard Stott