

<b>Application Number:</b>	2015/0175	<b>Application Type:</b>	Advertisement
<b>Proposal:</b>	Two internally illuminated fascia signs displaying the name "Maza" (Retrospective)	<b>Location:</b>	Maza, (formerly Madison Park Wine Bar) 2 Burnley Road Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 July 2015
<b>Applicant:</b>	Mr Urfan Munir	<b>Determination Expiry Date:</b>	7 July 2015
<b>Agent:</b>	Hartley Planning & Development Associates		

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	YES Cllr Janet Graham That the improvements made to the building are acceptable in terms of visual amenity and any change forced upon the business would be damaging to the business.
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That Committee refuse advertisement consent for the reasons set out in Section 9.

## 2. SITE

The building is a 19<sup>th</sup> century two-storey former public house of stone, with elevations fronting on to Burnley Road and Haslingden Old Road. It has recently opened as a

restaurant and has apartments above, both granted permission under planning reference 2014/0031.

It is located in a prominent position at the crossroads of St. Mary's Way / Burnley Road, Haslingden Old Road and Newchurch Road. There is a yard to the rear enclosed by high retaining walls extending upwards close to the buildings ridge height. Beyond the wall are residential properties. Commercial properties are attached to the building. 'Tufties' Hairdressers, formerly The Ram's Head PH occupies the Grade II Listed Building opposite at the junction of Burnley Road and Newchurch Road.

The site is located within the designated Urban Boundary of Rawtenstall, and is in the Rawtenstall Town Centre Conservation Area, described within The Rawtenstall Conservation Area Character Appraisal and Management Proposals Plan as a 'Positive' Unlisted Building of Medium Quality.

Previously there were three signs to the building, one at first floor level at the Haslingden Road elevation lit by two downlighters, a hanging sign on Burnley Road lit from above, and a fascia box sign above the entrance on Burnley Road lit by tubular lights.

### 3. **RELEVANT PLANNING HISTORY**

2015/0169 Variation of Condition 3 (Windows) from Planning Approval 2014/0031  
Submitted concurrently with 2015/0175 and also subject to Member Call-in.

2014/0031 Change of use from public house with apartment and function room above to public house with three apartments above.  
Approved under delegated authority.

### 4. **PROPOSAL**

The applicant seeks retrospective consent to regularise two signs on the building.

Sign 1 is located on the Haslingden Old Road elevation of the building. It comprises red alloy lettering displaying the name 'Maza'. It is internally illuminated and is sited between the two first floor windows.

Sign 2 is on the Burnley Road elevation. It is in the same materials and is also internally illuminated. The sign is situated above the main entrance.

### 5. **POLICY CONTEXT**

Applications for advertisements are controlled via The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Accordingly Local and National Planning Policies are considered other material considerations and are listed below:

#### **National Planning Policy Framework (2012)**

Section 7 Requiring Good Design

#### **Rossendale Core Strategy DPD (2011)**

Policy 1 General Development Locations and Principles  
Policy 16 Preserving and Enhancing the Built Environment  
Policy 23 Promoting High Quality Design & Spaces  
Policy 24 Planning Application Requirements

## **Guidance**

National Planning Practice Guidance  
Rawtenstall Conservation Area Character Appraisal (2011)  
RBC Shop Front Design Guide

### **6. CONSULTATION RESPONSES**

#### **LCC (Highways)**

Awaiting Comments

#### **RBC (Conservation Officer)**

2 Burnley Road is an attractive 19<sup>th</sup> century two-storey building of stone, with elevations fronting on to Burnley Road and Haslingden Old Road, within the Rawtenstall Town Centre Conservation Area and is identified as a positive unlisted building in the Conservation Area on a key route. Its large footprint and substantial square massing accentuates the buildings prominence at its corner location. The elevation to Haslingden Old Road is particularly prominent when travelling along St Mary's Way towards Burnley Road, and complements views towards the Grade II listed Ram's Head. It is also particularly prominent travelling along Haslingden Old Road towards Burnley Road.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the Council to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

The signage installed at 2 Burnley Road has an unacceptable impact on the character and appearance of the Rawtenstall Town Centre Conservation Area. This harm is caused by the following:

- The signage facing Haslingden Old Road is out-of-scale with the host building, causing attention to be drawn to the sign, rather than the positive building itself;
- When lit, the signs are a bright red colour. This conservation area is characterised by many attractive 19<sup>th</sup> century buildings, including 2 Burnley Road. The addition of the bright red light causes a visually jarring, incongruous addition to the conservation area. This harms the historic character and appearance of the conservation and the setting of the Grade II listed Rams Head.

Rossendale Borough Council's Shopfront Design Guide was adopted as a material planning consideration on 10 May 2012. The guidance reads:

***“Lettering Design** The nature of the business will dictate the type of lettering used, but the setting should also be taken into account. Avoid graphics and typeface designs which are too large within the frame of the fascia, or make use of excessive colour and texture contrasts.”* (p16)

Although the signs are not fascia signs, the setting plays as much importance. The sign facing Haslingden Old Road is too large for the size of the building, and the eye is drawn to the sign itself, rather than the positive building. 2 Burnley Road is directly west of The Rams Head, which employs subtle lighting, and its setting is harmed by this addition.

The guidance continues:

***“Illuminated Signs*** Internally illuminated box signs and projecting box signs will not be permitted in Conservation Areas and on Listed Buildings, and their use will be discouraged elsewhere. The Council prefers design solutions which make use of indirect illumination, either from existing street lighting, or security lighting left on within the shop.

*Where direct illumination can be justified by the applicant, it should be provided as down lighting, either by spotlamps of appropriate design or by trough lighting concealed within the profiles of the fascia’s cornice. In exceptional cases illuminated signs using halo lighting or internally lit individual letters may be acceptable subject to an appropriately designed overall layout.”* (p16)

An internally illuminated advert that is subtly lit with a soft white or yellowish tone would be more appropriate for the smaller sign facing Burnley Road. It is the colour and brightness when lit, and the scale of the signage (on the Haslingden Old Road elevation) that causes the harm.

The size and brightness of the adverts in question are unnecessary for the functioning of the business, and a well-designed advert on both elevations could provide an enhancement, or have a neutral effect, on the character and appearance of the conservation area, and the setting of the Ram’s Head. Soft up-lighting or down-lighting that emphasises the detailing on the building would certainly provide an enhancement.

For the above reasons, the adverts are contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 7. **NOTIFICATION RESPONSES**

The application has been publicised by way of a site notice posted on 01/06/2015.

No comments have been received.

## 8. **ASSESSMENT**

The main considerations of the application are:

- 1) Public Amenity and
- 2) Public Safety

The Planning Practice Guidance (PPG) states that:

“Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-boarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.”

#### Public Amenity

Policy 16 of the Council’s Core Strategy states that; “The Council will protect, conserve, preserve and enhance Rossendale’s historic built environment..These heritage assets all contribute to the local distinctiveness and character of the area” It goes on to say that their futures and settings will be safeguarded and secured by ensuring that development is located in a way that respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context, and is of a high standard of design, reinforcing the local distinctiveness of Rossendale.

Paragraph 67 of the NPPF states:

“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

I concur with the comments of the Conservation Officer regarding the harmful impact of the signs on the character of the property and the area. The modern designs, colours and materials are at odds with the traditional stone building to which they are attached. The impact of the signs is exacerbated by the prominence of the building within the Conservation Area and at an important gateway and junction, as noted in the Rawtenstall Conservation Area Character Appraisal.

They are not sensitive additions to the area or the host building and set an undesirable precedent that would make it more difficult to resist similar applications on other equally (or less so) prominent buildings within the Conservation Area.

Accordingly the scheme is considered unacceptable in terms of amenity.

#### Public Safety

Comments are awaited from the Highway Authority.

### **9. REASON FOR REFUSAL**

1. The two signs for which consent is sought are considered to detract to an unacceptable extent from a positive and prominent building within Rawtenstall Town Centre Conservation Area and would set an undesirable precedent that would make it difficult

to resist similar applications on other equally (or less so) prominent buildings within the Conservation Area. It is considered that the proposal does not accord with Section 7 of the NPPF, and Policies 1/23 and 24 of the Rossendale Borough Council adopted Core Strategy DPD (2011).

**10. RECOMMENDATION**

That the application be refused.