

Taunton Deane Borough Council

Planning Committee 21 March 2012

E/0251/38/11

COWL LIGHTS ERECTED TO FASCIA OF PEPPERCORNS DELICATESSEN, 48 ST JAMES STREET, TAUNTON

OCCUPIER: PEPPERCORNS DELICATESSEN

OWNER: UNKNOWN

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the unauthorised illumination by Cowl lights to the fascia sign at the above address.

RECOMMENDATION

The Solicitor to the Council be authorised to commence Prosecution proceedings in order to secure the removal of the unauthorised illumination to the sign.

SITE DESCRIPTION

The site is off St James Street in Taunton which lies to the South East of the River Tone. The building is currently used for retail on the ground floor within the town centre and lies within a Conservation Area.

BACKGROUND

The Cowl lights were first brought to the Council's attention in August 2011. A site visit was carried out and an application was requested. The tenants advised that the lights were there when they took over the tenancy of the shop unit. However, they have not switched the lights on.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The Cowl lights are above the fascia sign below first floor window level. Under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 3 Part 1, Class 4B no illuminated advertisement is permitted within a Conservation Area.

RELEVANT PLANNING HISTORY

none

RELEVANT PLANNING POLICIES

National Policies

PPG 18 -Enforcing Planning Control

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining an advertisement proposal are the impact upon the amenity of the area surrounding the application site, together with any potential impact upon public health and safety and impact on the character and appearance of the conservation area.

The sign is sited on a building within a conservation area, and the traditional painted fascia sign, without the illumination, is acceptable.

The fascia signs could be illuminated by two large cowl lights that have been fitted above the fascia. Though the cowl lights have not been turned on, this does not mean the sign could not be illuminated at any time. This form of cowl lighting is considered excessive in size, detracting from the building and conservation area, affecting the visual amenity of the area. Illuminating the sign, may be acceptable by another means of illumination; smaller, more discreet lighting, could illuminate the signs whilst still being sympathetic to the character and appearance of the conservation area.

As the building is sited within a Conservation Area regard must also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve or enhance the character and appearance of the conservation area. The cowl lights are excessive in size and area not considered to preserve the character and appearance of the Conservation Area.

Conclusion

The form of illumination is not considered to be acceptable and does not accord with planning policy EC26 and PPG19; the cowl lights will detract from the appearance of the building, will harm the visual amenity of the street scene and conservation area. Furthermore, the lights would fail to preserve the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The cowl lights are therefore not considered to be acceptable.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

ENFORCEMENT OFFICER: Mrs A Dunford

PLANNING OFFICER: Mr D Addicott