

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH MAY 2014**

ADDRESS/LOCATION : **LOCK WAREHOUSE, THE DOCKS**

APPLICATION NO. & WARD : **14/00260/ADV & 14/00261/LBC
WESTGATE**

EXPIRY DATE : **28TH APRIL 2014**

APPLICANT : **MR E MAINDONALD, MELT PROPERTY
LIMITED**

PROPOSAL :

14/00260/ADV

TEMPORARY BANNERS PROMOTING THE RESIDENTIAL APARTMENTS (COMPLETED IN MARCH 2013) AND THE BUSINESS OF THE NEW GROUND FLOOR TENANT (ABLEWORLD). PROPOSED TO BE IN PLACE TEMPORARILY FOR A FOUR MONTH PERIOD.

14/00261/LBC

EXTERNAL WORKS TO GRADE 2 LISTED BUILDING COMPRISING 2 NO. BANNERS PROMOTING THE RESIDENTIAL APARTMENTS (COMPLETED IN MARCH 2013) AND THE BUSINESS OF THE NEW GROUND FLOOR TENANT (ABLEWORLD). PROPOSED TO BE IN PLACE TEMPORARILY FOR A FOUR MONTH PERIOD.

REPORT BY : **ADAM SMITH**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This is a five storey grade two listed warehouse, now converted to 26 flats, including the roof space, with the commercial space at ground floor now occupied by Ableworld Mobility Superstore.
- 1.2 Temporary (6 month) consents were previously granted for two banners on the north side of the building, one for the apartments and another for the ground floor premises which was vacant at the time. These consents expired in August 2013 but the banners were not removed.
- 1.3 The applicant would not remove these banners and subsequently applied at the end of 2013 to retain the 'apartments' banner and replace the other with a

full-width banner for Ableworld. A 6-month temporary period was requested. The application was refused and the applicant was again requested to take them down but the 'apartments' banner was still not removed and the Ableworld banner was erected anyway.

- 1.4 In addition the building currently has several other unauthorised advertisements around the ground floor that have recently been erected.
- 1.5 This is the context for the new applications, which again seek consent for the two banners now in place on the north facing elevation, but now asking for a 4-month period, instead of 6.
- 1.6 Prior to a delegated decision being made the applications have been called in for determination by the Planning Committee by Councillor Toleman, for the following reason:

Previous applications for signage at Gloucester Docks, such as the North Warehouse, have been dealt with by the Planning Committee, so in the interests of consistency and recognising the sensitivity of the location involved I would request that this application is also determined by the Committee.

2.0 RELEVANT PLANNING HISTORY

13/00141/ADV & 13/00142/LBC

- 2.1 Erection of two banners for temporary (6 month) period. Granted 27th March 2013 (required to be removed by 23rd August 2013).

13/01296/ADV & 13/01297/LBC

- 2.2 Erection of 2 no. banners promoting the residential apartments and the business of the new ground floor tenant (temporary six month period proposed). Both refused on 24th February 2014 for the following reasons:

Advertisement Consent -

The proposed signs have been carefully assessed. This is a grade 2 listed building in a prominent position within the Docks Conservation Area. The listed warehouses in the Docks are characterised by a painted band with the warehouse name and no other signs on the building elevations other than at ground floor entrances and canopies. The proposed signs would be harmful to the special character of the listed building and the character and appearance of the Docks Conservation Area and are unacceptable in terms of visual amenity. They would also set a precedent for similar harmful proposals on other listed buildings. The proposals are considered harmful to visual amenity and contrary to Policies BE.11, BE.22 and BE.29 of the City of Gloucester Second Deposit Local Plan 2002 and the guidance at paragraphs 67 and 131 of the National Planning Policy Framework.

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority worked with the applicant in a positive and proactive manner in order to seek solutions to the original breach of the unauthorised advertisements on this building, however the applicant has not removed the existing advertisements as required and the granting of a further temporary consent would not be an acceptable solution.

Listed Building Consent -

The proposed signs have been carefully assessed. This is a grade 2 listed building in a prominent position within the Docks Conservation Area. The listed warehouses in the Docks are characterised by a painted band with the warehouse name and no other signs on the building elevations other than at ground floor entrances and canopies. The proposed signs would be harmful to the special character of the listed building and would also set a precedent for similar harmful proposals on other listed buildings. These proposals conflict with Policy BE.22 of the City of Gloucester Second Deposit Local Plan 2002, the guidance at paragraph 131 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority worked with the applicant in a positive and proactive manner in order to seek solutions to the original breach of the unauthorised advertisements on this building, however the applicant has not removed the existing advertisements as required and the granting of a further temporary consent would not be an acceptable solution.

3.0 PLANNING POLICIES

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance - National Planning Policy Framework

- 3.2 The NPPF is a material consideration in determining this application.

Decision-making

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF is underpinned by a presumption in favour of sustainable development. It advises that authorities should approve development proposals that accord with statutory plans without delay, and also grant permission where the plan is absent, silent, indeterminate or out of date. This should be the case unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed

against the policies of the framework as a whole, or specific policies in the NPPF indicate development should be restricted.

Authorities should seek to approve applications where possible, looking for solutions rather than problems.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Advertisements

Paragraph 67 notes that “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment”.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals.

The more important the asset, the greater weight should be apportioned to its conservation. Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused unless certain exception criteria are met.

Central Government - National Planning Practice Guidance

This practice guidance has recently been published and cancels a wide range of previous Circulars and guidance documents.

Advertisements

The guidance advises on considerations in terms of public safety and amenity:

It notes that advertisements are more likely to affect public safety at points where drivers need to take more care, and those impairing sight-lines, obstruct or confuse views, leave insufficient clearance or use illumination that would inhibit drivers, those with moving elements, those requiring close study, those that resemble traffic signs, or embody directional or other traffic elements. Similar guidance is set out in terms of the effect on railways and aircraft. Safety in terms of waterways, docks and harbours is also subject to guidance, noting that consideration should be given to whether the advertisement is likely to obstruct or cause confusion in the interpretation of navigation lights, beacons and similar signs and warnings.

In terms of amenity it notes that it includes aural and visual amenity and relevant factors including the general characteristics of the locality, including

the presence of any features of historic, architectural, cultural or similar interest. Authorities should consider, if the locality has such important features, whether the advertisement is in scale and keeping with them. An example is cited where a large poster-hoarding 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 it would not adversely affect the visual amenity of the neighbourhood of the site.

Conserving and enhancing the historic environment

This provides further guidance on the criteria for decision-taking, commenting on the importance of the significance of a heritage asset, use of statutory consultees, supporting documentation with applications, the setting of heritage assets, taking into account deterioration of a heritage asset, putting heritage assets to a viable use, and how to assess harm and any public benefits. In terms of the latter two points, it notes that in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting. In terms of public benefits, it notes that they should be of a nature or scale to be of benefit to the public at large and not just a private benefit, and may include, heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset, or securing the optimum viable use of a heritage asset in support of its long term conservation.

Design

This notes that good quality design is an integral part of sustainable development. Authorities are required to take design into consideration and should refuse permission for development of poor design.

The Development Plan

3.3 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - "The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The Regional Spatial Strategy and Structure Plan have been revoked.

Local Plan

- 3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted).

Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent....”

2002 Plan allocations

Conservation Area

Floodplain

Area of Principle Archaeological Interest

Mixed Use Allocation, for the Western Waterfront

2002 Plan Policies

BE.11 – Shopfronts, shutters and signs

BE.21 – Safeguarding of amenity

BE.22 – Alterations to and development within the curtilage of Listed Buildings

BE.29 – Development within Conservation Areas

TR.31 – Road safety

- 3.5 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Draft Joint Core Strategy, October 2013. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Civic Trust objects, noting that the large blue banner has been put up without consent and the temporary consents for the other banner ran out long ago. The applicant is considered to have had quite long enough to comply and remove the banners. They are considered to be unsightly and on probably the most prominent of the warehouses in a conservation area of national and international importance.
- 4.2 The Conservation Officer objects. The banners are not considered an appropriate form of signage. They are considered to be of substantial harm to the special architectural interest and character of both the listed building and the conservation area.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Site and press notices were published for the listed building consent application and expired on 3rd and 10th April 2014.
- 5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

- 6.1 The main issues are considered to be the effect on the special character of the listed building, and in respect of advertisement consent considerations – amenity specifically with regard to the effect on the Conservation Area and listed building. Advertisements are also considered with regard to public safety.
- 6.2 In the interests of clarity, the signs at North Warehouse referenced in the Committee call-in request were reported to the Committee automatically in accordance with the Constitution that applied at that time, as it involved City Council property. That is not the same with the current application, which relates to private property. In addition the Constitution has been amended so that only applications that involve the City Council and have attracted objections need to be determined by the Planning Committee.

Visual amenity and conservation

- 6.3 The previous temporary advertisement and listed building consents from early 2013 (see planning history above) were granted in light of negotiations to have the applicant remove a very large unauthorised banner that had been erected on the side elevation of the building facing the main Docks basin. The granting of temporary consents was considered by Officers to represent a reasonable 'staged' approach to dealing with the harm that had been caused by the banner on the Docks side, such that the applicant could have a reduced advertisement presence for a short time after which they would be removed entirely – a gradual scaling-down of the harm. As it turns out, given the applicant has not removed the banners as required, he has benefited from

them being there for an additional 8 months already over and above what was consented.

- 6.4 Officers and Members have received several complaints about the various advertisements on the building.
- 6.5 Members should be aware that the numerous advertisements recently erected around the ground floor of the property are also unauthorised and the decisions on the banners should not be based on an assumption of the ground floor advertisements having been approved.
- 6.6 The North Warehouse advertisement proposals mentioned above included wall-mounted 'halo-illuminated' steel individual lettering which the Planning Committee refused in January 2013. The Committee concluded that the listed warehouses in the Docks are characterised by a painted band with the warehouse name and no other signs on the building elevations other than at ground floor entrances and canopies. The proposed signs on the walls of North Warehouse were considered to be harmful to the special character of the listed building and the character and appearance of the Docks Conservation Area and as such were considered unacceptable in terms of visual amenity and would also set a precedent for similar harmful proposals on other listed buildings. It can be seen that the decisions to refuse the Lock Warehouse banners followed this approach.
- 6.7 In conclusion the two banners cause harm to the special character of the listed building and the character and appearance of the Conservation Area and in respect of the tests for considering advertisement applications would be harmful to amenity. I see no special circumstances that would outweigh this harm.

Public safety

- 6.8 No public safety concerns are raised that would not be covered by the standard advertisement conditions.

Human Rights

- 6.9 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

- 7.1 In your Officers' opinion it is clear that these banners are inappropriate and cause harm to the amenities of the area, the character and appearance of the listed building and conservation area. There are no other considerations that would outweigh this harm. This approach accords with the decisions previously made by the Planning Committee on the steel individual lettering proposed on North Warehouse.
- 7.2 The Authority has previously sought to work with the applicant and adopted a pragmatic approach to advertising on the Lock Warehouse building in light of previous breaches but the temporary period previously granted has long expired without the banners being removed, indeed a new banner has been erected despite consents having been refused.
- 7.2 The applications clearly fail the relevant policy tests and should be refused.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That advertisement consent is refused for the following reason:

Advertisement Consent -

The proposed signs have been carefully assessed. This is a grade 2 listed building in a prominent position within the Docks Conservation Area and the wider area. The listed warehouses in the Docks are characterised by a painted band with the warehouse name and no other signs on the building elevations other than at ground floor entrances and canopies. The proposed signs would be harmful to the special character of the listed building and the character and appearance of the Docks Conservation Area and are unacceptable in terms of visual amenity. They would also set a precedent for similar harmful proposals on other listed buildings. The proposals are considered harmful to visual amenity and contrary to Policies BE.11, BE.22 and BE.29 of the City of Gloucester Second Deposit Local Plan 2002 and the guidance at paragraphs 67 and 131 of the National Planning Policy Framework, and in the Planning Practice Guidance.

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority worked with the applicant in a positive and proactive manner in order to seek solutions to the original breach of the unauthorised advertisements on this building, however the applicant has not removed the existing advertisements as required and the granting of a further temporary consent would not be an acceptable solution.

- 8.2 That listed building consent is refused for the following reason:

Listed Building Consent -

The proposed signs have been carefully assessed. This is a grade 2 listed building in a prominent position within the Docks Conservation Area and the wider area. The listed warehouses in the Docks are characterised by a painted band with the warehouse name and no other signs on the building elevations other than at ground floor entrances and canopies. The proposed

signs would be harmful to the special character of the listed building and would also set a precedent for similar harmful proposals on other listed buildings. These proposals conflict with Policy BE.22 of the City of Gloucester Second Deposit Local Plan 2002, the guidance at paragraph 131 of the National Planning Policy Framework and in the Planning Practice Guidance, and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority worked with the applicant in a positive and proactive manner in order to seek solutions to the original breach of the unauthorised advertisements on this building, however the applicant has not removed the existing advertisements as required and the granting of a further temporary consent would not be an acceptable solution.

Note

The applicant is advised to remove the existing banner advertisements promptly, or enforcement action will be undertaken.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

14/00260/ADV & 14/00261/LBC

Lock Warehouse
1 Severn Road
Gloucester

Planning Committee 06.05.2014

