

# Report to District Development Management Committee



**Epping Forest  
District Council**

**Report Reference:** EPF/1702/21  
**Date of meeting:** 01 Sept 2021

**Address:** 229 High Street, Epping, CM16 4BP  
**Subject:** Application for Consent to display an illuminated folded aluminium 3-part background fascia sign with 80mm returns.

**Responsible Officer:** Sukhi Dhadwar (01992 564597)

**Committee Secretary:** Gary Woodhall (01992 564470)

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***This application is before this Committee since it is an application that is submitted by or on behalf of a District Councillor (Pursuant to Article 10 of The Constitution).***

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions

- 1           The maximum luminance of the sign granted consent by this Notice shall not exceed 180 candelas per square metre.  
  
Reason:- In the interests of highway safety and visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE13 of the adopted Local Plan and Alterations.
  
- 2           The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:  
  
Location Plan, Heritage Statement, photograph of Abbotts sign, Block Plan, Illustrator drawing.  
  
Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

## **Description of Site:**

The application relates to the ground floor retail use within a mid-terraced building located on the western side of the High Street and is within a Key Frontage of the Epping Town Centre.

The host property was originally built in the 18<sup>th</sup> century but was then altered in the 19<sup>th</sup> Century. It is Grade II listed and is situated within the Epping Conservation Area.

### **Description of Proposal:**

Advertisement consent is sought to display an illuminated folded aluminium 3-part background white fascia sign with 80mm returns. Stencil cut and pushed through 10 mm grey and red colour wording to read "MILLERS" "telephone 01992 540538" "www.millersepping.co.uk". The face of the fascia sign will be covered in vinyl. The lettering will be back lit by cold white LED lighting powered by 12V to create a halo around each character.

Parallel Listed Building application submitted under reference EPF/1800/21.

### **Relevant History:**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
EPU/0100/64	Alterations to shopfront fascia.	Refuse Permission
A/EPU/0015/70	Illuminated Fascia	Grant Permission
EPU/0115/70	New shopfront	Grant Permission
EPU/0122/70	Alterations to provide toilets and reinstatement of first floor	Grant Permission
LB/EPF/0039/88 and EPF/0589/88	Change of use of jeweller's shop to office premises.	Grant Permission
A/EPF/0051/88	Illuminated fascia sign.	Grant Permission
LB/EPF/0072/88 and EPF/1249/88	LB application for alterations and installation of new shopfront.	Grant Permission
LB/EPF/0033/92	Listed Building consent for erection of a non-illuminated fascia sign.	Grant Permission
A/EPF/0387/99	Advert application for non-illuminated fascia sign.	Grant Permission

### **DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
HC10	Works to Listed Buildings
DBE9	Loss of Amenity
DBE13	Advertisements
ST4	Road Safety

### **NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)**

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

**EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
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The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions. The main modifications are currently being consulted on and the consultation period is due to end on 24<sup>th</sup> September 2021.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
DM7 - Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM13 - Advertisements	Significant

## **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 11

Site notice posted: Yes

Responses received as follows: -

**EPPING SOCIETY: OBJECT:** The proposed signage is a significant change from that approved nearly 30 years ago. The addition of any form of lighting to this listed building in the Conservation Area needs a formal technical description.

Full details are essential to assess if it is appropriate for the setting. These are also necessary to check that completed work complies with the permission.

We acknowledge that informal advice was given by a District Service Manager. However, we are surprised to find that an application from 1992 is cited in the application.

The lack of detail in this application makes an accurate appraisal impossible. Approval, on the basis of the details supplied, will create an unwelcome precedent.

**PARISH COUNCIL: OBJECT** to the internal illumination of the fascia sign, which would be detrimental to the character of the conservation area.

Relevant policies: DBE13(i) (a)

Emerging Local Plan: DM13

NPPF Para 132

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

### **Main Issues and Considerations:**

Paragraph 136 of the NPPF advises that

*“the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety.”*

Local Policy DBE13 of the Local Plan and DM 13 of the Submission version are consistent with this policy.

#### Visual Amenity

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses; and
- (2) special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 202 of the NPPF requires 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.”*

The Conservation Officer has reviewed the application and objected to the proposal on the following grounds: -

*This application seeks consent for a new fascia sign for the shopfront at No. 229 High Street, a grade II listed building, standing within the Epping Conservation Area; an area designated mainly for its medieval past as a market town of which High Street was the trading core. Particular attention should therefore be given when considering any changes to the shopfronts. This is reflected by specific local policies such as Policy DBE13 of our Local Plan and Alterations (1998 and 2006) and Policy DM13 and of our Submission Version Local Plan (2017).*

*As stated in DM13 – Advertisements*

*“Where advertisement consent is required, such consent will be permitted if the proposal respects the interests of public safety and amenity, and meets the following criteria:*

- (i) the design, materials and location of the advertisement respects the scale and character of the building on which it is displayed and the surrounding area;*
- (ii) the proposals would not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- (iii) any illumination will be considered in relation to impact on visual amenity, potential light pollution, road safety and functional need;*
- (iv) **Internally illuminated signs will not be permitted where harm is caused to heritage assets including listed buildings and conservation areas;** and*
- (v) illuminated signs will not be permitted in residential areas.”*

*As proposed, the internally illuminated signage would not comply with policies. External illuminations such as a trough (painted to match background) should be considered.*

*In addition, the fascia sign is proposed to replicate the “Abbots” box fascia which is also felt to not have complied with policies, due to its resulting bulky appearance and use of untraditional materials.*

*In the context of traditional shopfronts such as no.229, the fascia sign should be designed to reflect their character and appearance. It should not obscure any detailing and the name of the shop should either be painted directly onto the timber fascia board or fixed to it, in the form of detached letters (in metal for example). The proposed folded aluminium box fascia covered with vinyl is therefore considered to fail to positively relate to the existing shopfront, its host building and the wider conservation area.*

The Conservation Officer therefore has a holding objection to the scheme.

Whilst the Conservation Officer comments are noted, the proposal will have a less than significant additional impact on the special significance to the listed building over and above the previous ‘Abbots’ sign (now removed) that it replaces, the overall appearance of the sign being not be dissimilar to what previously existed; the low level of illumination proposed (180 candelas); and this illumination being only focused around the edges of the lettering (halo effect) will limit its impact. The sign will also have a positive impact on the vitality and viability of the application business at a time when the Covid pandemic is adding additional pressures on the viability of businesses within town centres. It is therefore considered that

there are sufficient public benefits to outweigh the harm to the appearance of the host Grade II listed building. It is for this reason that the proposal complies with the requirements of paragraph 202 of the NPPF.

### Public Safety

The signs are at least 2.1m above ground level and have an illuminance level of 180 candelas per square metre. This level of light is below maximum levels of luminance recommended within the advice given by The Institution of Lighting Engineers Technical Report No.5 "Brightness of Illuminated Advertisements" (1973). It is therefore not considered to have an adverse impact on pedestrian or highway safety.

### Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email:***

***[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***