

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2011/1986/AD</b>
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**NOTATION:**

The site lies within Hatfield as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is located on the west side of Comet Way and is an existing car dealership which has already existing signage relating to the current use by Peugeot. The character of the area is commercial, with Kentucky Fried Chicken drive thru directly to the north, a shopping parade directly south and the Galleria shopping centre to the south east. There is currently a 4m high totem sign located towards the front of the site, a number of company signs on the building and flag signs along the site frontage.

**DESCRIPTION OF PROPOSAL:**

This application seeks advertisement Installation of 2 x corner lights, 1 x Peugeot lettering, 1 x lion logo, 1 x dealership letters, 3 x fabric flags and 1 x free standing totem.

**PLANNING HISTORY:**

S6/2010/1169 – Erection of two hoarding signs, one double sided post mounted and one single sided wall mounted (Refused 29/07/2010)

S6/2007/1701/AD – Installation of one 4 metre high externally illuminated totem sign and four illuminated signs on existing building (Granted 07/01/2008)

S6/2007/1519/AD – Installation of illuminated and non-illuminated signage (Granted 13/12/2007)

S6/2007/1143/FP – Alterations to the southeast external elevation, erection of a small ground floor extension and new entrance feature in connection with the occupation of the premises as a dual franchise (Granted 27/09/2007)

S6/1995/100/AD – Erection of internally illuminated fascia signs and pole sign (Granted 20/03/1995)

S6/1989/7045/AD – Canopy fascia, wall mounted company identity variable print signs all internally illuminated (static) – (Granted 08/01/1990)

S6/1983/7018/AD – Illuminated post sign (Granted 15/12/1983)

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy:

PPS1 Delivering Sustainable Communities

PPS9 Biodiversity and Geological Conservation

PPG19 Outdoor Advertisement Control

East of England Plan 2008:  
SS1 Achieving Sustainable Development  
ENV3 Biodiversity & Earth Heritage  
ENV7 Quality in the Built Environment

Welwyn Hatfield District Plan 2005:  
GBSP2 Towns and Specified Settlements  
SD1 Sustainable Development  
D1 Quality of Design  
D2 Character and Context  
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

## **CONSULTATIONS**

Hertfordshire County Council Transportation Planning and Policy Department – Do not wish to restrict the grant of permission.

## **TOWN/PARISH COUNCIL COMMENTS**

Hatfield Town Council – No response (consultation expired 31/10/2011).

## **REPRESENTATIONS**

The application was advertised by site notice. No letters of representation were received (consultation expired 31/10/2011).

## **DISCUSSION:**

The main issues are:

1. The impact on the visual amenity of the surrounding environment and highway safety
2. Other Material Considerations

### **1. The impact on the visual amenity of the surrounding environment and highway safety**

Supplementary Design Guidance 2005 sets out general guidelines for the design of advertisements. The design guidance supplements policy D1 'Quality of Design' of the Welwyn Hatfield District Plan 2005. Essentially there are two main issues in determination of advertisement applications. Firstly, the signage should not have a detrimental effect in terms of visual amenity and secondly, it should not pose a threat to public safety.

The Supplementary Design Guidance 2005 states that all advertisements requiring express consent must accord with the following criteria: (1) proposals should be well-designed and should relate to the character, scale and design of the building on which they are displayed; (2) the size and position of the signs should respect the architectural features of the buildings on which they are displayed; (3) proposals should not create visual clutter; (4) illumination will only be permitted where it would not be visually intrusive and is provided by discreet means.

The proposal will update the existing signage and although some of the signs are large, the building is of sufficient size to ensure that they would remain subservient in scale to the overall character of the building. The building is set back around 30m from the front boundary with Comet Way, which would reduce the prominence of the signs to an acceptable level when viewed from the adjoining public highway. The character of the surrounding area is mainly commercial with a shopping parade to the south and a fast food takeaway and eatery to the north and so these signs would not detract from the visual amenity of the streetscene.

It is proposed to replace 12 existing flag signs with three static flag signs. The flag signs would measure 6m in height to the top of the masts which is similar to the existing flags. The proposed totem sign would be 5m metres high, which is 1m higher than the existing totem sign to be replaced. It would be reasonable to say that totem signs are now a common feature often found in the forecourt of petrol stations and car dealerships. The totem sign and the flag signs would be a prominent and significant element within the streetscene. Notwithstanding this, their dimensions would be in scale with existing signage within the immediate area and would relate well to the application building. The connection between the signage and the use of the site would be clearly apparent. The proposed signage would not be overtly prominent and would not create visual clutter subject to the removal of existing signage. The proposal would result in a reduction in the number of flag signs from 12 to 3 therefore would result in a reduction in visual clutter. It would, however, be reasonable to include a condition requiring the removal of existing signage.

The proposed level of illumination is considered acceptable and not visually intrusive. The materials used would be appropriate and in keeping with the character of the building and surrounding area. Therefore the proposals are in accordance Policy D1 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance (Statement of Council Policy).

## **2. Other Material Considerations**

**Protected Species:** The presence of protected species is a material consideration, in accordance with Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "*a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*" The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

**East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policy(ies) in the East of England Plan, which at the time of this decision forms part of the development plan for the borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

**CONCLUSION:**

The proposed signage would not have a detrimental impact on the visual amenity of its surrounding environment in accordance with PPG19, Policy D1 and Supplementary Design Guidance. It is considered that the existing site and development is such that there is not a reasonable likelihood of ESP being present on site nor would an EPS offence be likely to occur.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CONDITIONS:**

- 1. C.10 – Advertisements
- 6. C.10.1 – External Illumination
- 7. C.10.3 – Intensity of Illumination
- 8. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:1250 Site Location Plan & Drg No:1 & 2 & 3 and dated 22 September 2011

**PRE-DEVELOPMENT**

- 9. Prior to the erection or display of signage shown on Drg No:1 & 2 & 3 received and dated 22 September 2011 and marked A & B & C & D & E & G & F all existing signage shall be removed permanently from the site. A minimum of seven (7) days prior to the signs being removed, details shall be submitted to the Local Planning Authority to advise when these works are to be carried out to enable the Local Planning Authority to inspect the site.

REASON: To avoid over development of the site in the interests of visual amenity in accordance with PPG19 Outdoor Advertisement Control and Policy D1 of the Welwyn Hatfield District Plan 2005.

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS9 and PPG19, East of England Plan 2008 policies SS1, ENV3 and ENV7 and development plan policies GBSP2, SD1, D1, D2 and Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

**INFORMATIVES**

None

**Signature of author..... Date.....**