

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2012/440/AD
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NOTATION:

The site lies within the settlement of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application property is a three storey hotel and restaurant located on an area of 0.97 hectares adjacent to Stanborough Road. The hotel building is set back from Stanborough Road with an area of parking to the front and side. There is an area of grass alongside the boundary with Stanborough Road where there are three existing signs. This includes a totem sign for the Premier Inn, a smaller sign advertising food and the proposed totem sign.

DESCRIPTION OF PROPOSAL:

This application seeks advertisement consent for the retention of an illuminated totem sign. This would have a height of 4.5m and would advertise the Beefeater restaurant at the site.

PLANNING HISTORY:

N6/2011/2643/AD: Erection of illuminated totem sign. Refused.

N6/20118/1204/FP: Erection of three storey extension to accommodate thirty bedrooms. Approved.

N6/2008/962/FP: Erection of three storey extension to accommodate 30 bedrooms Refused.

N6/2007/1915/FP: Erection of single storey extension – Approved

N6/2007/1434/FP: Erection of single storey front extension and balustrade to mock balcony– Withdrawn

N6/2006/0580/AD: Erection of externally illuminated fascia sign – Approved

N6/2004/1884/FP: Erection of three storey extension to provide 30 additional hotel rooms over part of existing car park - Approved

N6/2004/0802/AD: Installation of signs – Approved

N6/2003/0387/AD: Retention of illuminated pole sign and five illuminated signs on building - Approved

SUMMARY OF POLICIES:

National Policy

National Planning Policy Framework

East of England Plan 2008 Policies:

None

Hertfordshire Structure Plan Review 1991 – 2011:

None

SD1: Sustainable Development

GBSP2: Towns and Specified Settlements

D1: Quality of Design

D2: Character and Context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

HCC Transportation planning and Policy Department – No objections, however the sign is on land public highway land and cannot be condoned. It is acknowledged that land ownership is not an issues and there are no technical reasons to object to the high. .

TOWN/PARISH COUNCIL COMMENTS:

None

REPRESENTATIONS:

This application has been advertised and no representations have been received.

DISCUSSION:

The main issues are:

- 1. The impact on the visual amenity of the surrounding environment**
- 2. The impact of the proposed development on the highway**
- 3. Impact on neighbouring properties;**
- 4. Protected Species**
- 5. Other Material Planning Considerations**

1. Policy D1 of the District Plan seeks high quality design is relevant. This is reinforced by Section 6 of the Council's adopted supplementary design guidance with regard to advertisements. The design guidance states that within residential areas and conservation area, because of their more sensitive character and visual amenity, it may be necessary to propose more exacting standards of advertisement control, whereas in shopping and town centres there is a need to achieve a reasonable balance between commercial and design considerations.

The application site is located on a principal road through Welwyn Garden City, although it is considered that this is a more residential area as residential properties back onto Stanborough Road along the northern side. Opposite the site is a Total

petrol station also with a totem sign to the front which is illuminated. The application site already contains a number of advertisements, two of which are totem signs that are illuminated, although one of these is the proposed totem sign. The previous advertisement that the totem sign replaces was not illuminated and was smaller and appeared less prominent within the street scene of Stanborough Road.

The application follows a refused application, reference N6/2011/2643/AD, for the same totem sign. This was refused due to the number of signs already at the site together with the siting, scale and illumination of the proposed totem sign, which was considered would result in a more cluttered appearance of the street scene of Stanborough Road that would be detrimental to the character and visual amenity of the surrounds.

This application therefore seeks to overcome the reasons for refusal and has proposed to remove the existing Premier Inn totem sign at the site. This would therefore maintain a similar street scene with the same amount of signs and would not increase the visual clutter at the site which would be visible when travelling along Stanborough Road. In the event of an approval the existing Premier Inn sign could be conditioned to be removed within a reasonable time frame. Whilst the proposed totem sign would have the same height as previously refused, given that the existing Premier Inn totem sign would be removed from the site where there are other totem signs within close proximity to the site, such as the Total sign opposite the application site, it would not create any further clutter than the existing sign. It is considered, subject to the existing totem sign being removed, that its position would also be reasonable.

Subsequently it is considered the proposed totem sign, subject to the removal of the Premier Inn sign, would detract no more from the visual amenities of the locality than existing.

2. The totem sign would be illuminated and its level is 300cd/m² which is in accordance with the recommendations for luminance from Institution of Lighting Engineers. They recommend that within a town centre the illuminated area could be up to 1000cd/m². Hertfordshire County Council as Highways Authority has stated that the proposal would not impact adversely on highway safety. It is therefore considered that the scale, design and positioning of the sign would not adversely affect the safe and efficient operation of the adjoining highway.

HCC Transportation Planning and Policy department raise concerns with regard to landownership and state that the application site is on the public highway. Whilst this is not an issue in the determination of this application, a note to the applicant informing them of this shall be placed on the decision notice.

3. The proposed sign is located along Stanborough Road which is a main road with street lights. The proposed sign would be illuminated however it is considered to be a sufficient distance from neighbouring properties so that the light pollution would have no detrimental impact on the residential amenity that they currently enjoy.

4. The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, 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.

5. 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 policies 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:

By virtue of the removal of the existing premier Inn totem sign, the proposed advert is considered would maintain the visual appearance of the street scene where it would have no detrimental impact to the visual amenities of the locality.

The proposed signage would not impact on highway safety or neighbours residential amenity. In addition, 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: GRANT EXPRESS ADVERTISEMENT CONSENT UNTIL
31 January 2017**

CONDITIONS:

1. C.10: Advertisements
6. C.13.1 Development in accordance with Site Location Plan & Totem Sign Elevation and Section received and dated 22 February 2012.

Post Development

7. C.10.1 External illumination limitation
REASON: In the interests of the visual amenity of the area in accordance with National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
8. The intensity of the illumination of the signs permitted by this consent shall be no greater than that stated within the application forms.
REASON: In the interests of the visual amenity and highway safety of the area in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
9. Within four weeks of the date of this decision, the existing Premier Inn totem sign shall be removed from the application site.
REASON: In the interests of the visual amenity of the area in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, East of England Plan policies SS1, SS2, ENV6, ENV7 and development plan policies GBSP2, R3, D1, D2 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which 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: Notwithstanding the above consent, it is an offence under Section 143 of the Highways Act 1980 to erect any advertisement sign in the confines of the highway. The extent of public highway includes approximately 2m of the verge behind the combined cycleway/footway. Therefore the sign is located within the public highway and cannot be condoned. The Highway Authority has the power under the Highways Act 1980 to remove any structure erected on a highway. You are therefore advised to contact Hertfordshire County Council Transportation Planning and Policy department to resolve this matter.

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