

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2011/2683/AD
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NOTATION:

The site lies within Welwyn Garden City, in the Welwyn Garden City Conservation Area and Town Centre and is in an area of designated retail frontages as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application premises form part of a terrace with a shop at ground floor level. It is one of several groups of parades or buildings surrounding an attractive tree lined rectangular shaped gardens which the buildings face towards. These buildings are of varying ages and styles. In the case of the application site it is the end property on the corner of Howardsgate with Wigmores North and consists of an older building, with stonework at ground level and brickwork above. These are divided by a stone band running along the entire length of the building. There are large plate glass shop windows that are on both elevations.

DESCRIPTION OF PROPOSAL:

This application seeks retrospective advertisement consent for the installation of a fascia sign which is along the frontage of Howardsgate and has a width of 14.5m. It has green and red lettering and symbols on a white background. A projecting sign is located on the corner of the building which is illuminated and projects from the building by 0.9m.

Vinyls are proposed within two of the windows in the elevation facing towards Howardsgate.

PLANNING HISTORY:

N6/2004/0957/FP: Installation of 3 louvre windows on second floor. A(G) 29/09/2004.

N6/1999/0020/FP: Replacement of two rear second floor windows with louvres A(G) 15/02/1999.

N6/1997/0960/AD: Erection of fascia and projecting signs. A(G) 05/01/1998

N6/1996/0113/FP: Alteration of 4 No. existing second floor windows to louvre ventilations . A(G) 19/08/1996

N6/1991/7010/AD: Replacement non-illuminated signs. A(G) 29/04/1991

N6/1982/0475/: Single storey roofed security pen. A(G) 28/10/1982

SUMMARY OF POLICIES:

National Policy

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 19: Outdoor Advertisements

East of England Plan 2008:

SS1: Achieving Sustainable Development

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

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 subject to conditions.

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. Protected Species**
- 4. Other Material Planning Considerations**

1. Section 6 - Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005 provides detailed guidance for advertisements. It classifies that application site as an '*Other individually designed shop front*' and states that the design criteria for advertisements and advertisements in Conservation Areas will apply.

The relevant design criteria for advertisements are:

- (i) proposals should be well-designed and sensitively positioned and should relate to the character, scale and design of the building on which they will be displayed; they must not detract from the character of the building, the street scene, or in the case of rural areas, from the rural character of the area.

Consent will not be granted for proposals that would have a detrimental impact on amenity and public safety.

(ii) the size and position of signs should respect the architectural features of the buildings on which they are displayed, such as pilasters and fascias on shop fronts or the spacing between windows;

(viii) consent will not be granted for any sign that would be a danger to public safety.

With regard to guidance for 'Advertisements in Conservation Areas' it outlines that "advertisements and signs will only be granted consent where they do not harm the character and visual amenities of the Conservation Area or the building on which they are displayed, in terms of design, materials, scale, detail, and method of illumination.

Consent will not be granted for any proposal that would detract from the special architectural or historical character of any building in the Conservation Area or the Conservation Area as a whole"

The proposed fascia sign on the Howardsgate elevation is above the stonework of the building at the ground floor. It is sited along the length of this building and stops where the adjoining part of the building juts out slightly which relate to the design of these buildings along Howardsgate. This building has no fascia and has a stone band running along its entire width above shop front level. This building is individually designed where the building is predominantly finished in facing brickwork and stonework with stone banding dividing the stone work and the brick. The building exhibits strong detailing in its overall design. Whilst the design of the sign is simple, with a flat background and the legend 'cost cutter' placed along the building, it is a standardised sign which has not been sensitively positioned on the building and does not enhance or maintain the character of Welwyn Garden City Conservation Area. The proposed fascia board runs across the entire length of the stone banding on the Howardsgate elevation and obscures all of this from view, which is one of the main architectural qualities of this building. This standardised approach is considered inappropriate because it introduces a size and style of advert that has an unacceptable impact on the visual amenity and masks an original architectural detail of the building. It is therefore considered that the sign has paid inadequate attention to the character and appearance of its surroundings, appearing as a detrimental addition to the street scene which spoils the conservation area.

Previously the post office had signage located above this band but they were individual signage and still allowed for the architectural detailing to be seen which was approved consent under application reference N6/2997/0960/AD. Subsequently the proposed fascia signage, displayed in the current size, siting and design detract from the special architectural and historic character of this building which is sited within the Welwyn Garden City Conservation Area which also has a detrimental impact to the visual amenities and character of the visual amenity of the area. The proposal would therefore fail to comply with the provisions of PPS5, PPG19 and District Plan policy GBSP2, D2 and D1.

With regard to the projecting box sign this would be illuminated and would be 0.9m x 0.6m. As with the fascia sign, this is considered to be of simple design and modest

in size where there are other projecting signs similar in size within the locality. However, the proposed sign, like the fascia sign, is standardised and consists of a bulky addition to the side which is located on the corner of the building with Wigmores North and Howardsgate where it would be unduly prominent and would have an unacceptable impact on visual amenity. This sign would be illuminated which would exacerbate its prominence and cause the sign to be even more prominent and appear as a rather uncompromising feature. Therefore, it is considered that the projecting sign in its present location, would also detract from the appearance and character of the conservation area. Whilst appreciated there are other projecting signs within the locality, these signs are much thinner and have more regard to the conservation area they are sited within. The existing projecting post office sign located on the elevation facing towards Wigmores North, whilst similar to the proposed sign, is smaller. Therefore whilst it was approved in 1998, every case is considered on its own merits and this is not considered to result in no objections being raised.

2. The only illumination is to the proposed projecting sign where the hours of illumination are 0700 hours to 2300 hours Monday to Saturday and 0900 to 2300 hours on Sunday. The level of illumination is 492cd/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 in accordance with PPG19.

3. The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), 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.

4. 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.

Enforcement Action: Authorisation from the Council's Planning Control Committee has been for the complete remove of the 'Costcutter' fascia sign located on the southern aspect of the property fronting Howardsgate. However it is not clear from the minutes if authorisation for enforcement action included the proposed projecting sign on the building as discussed within the officer report. The Officer's report to members stated that whilst the existing projecting post office sign which was approved in 1998 under a different policy, the considerations would have been the same and it is therefore considered that it would be unreasonable to take action against a type of sign that already exists within the Conservation Area. However, if Members considered that the signage, because of its more prominent location on the Howardsgate elevation of the building did have an unacceptable impact on visual amenity then because this is essentially a matter of planning judgement, a different conclusion could be made.

Having re-assessed the impact of the proposed projecting sign and taken a view in accordance with the emerging guidance on shop fronts and advertisements, it is considered reasonable to seek to resist such a sign, especially given its prominent location on the building and within the street scene of Howardsgate, its standardised design and the fact that it would be an internally illuminated box projecting sign which is considered to be detrimental to visual amenity. Accordingly it is considered that enforcement action should also be taken for the removal of this sign in addition to the fascia sign. If this is considered to result in a requirement to amend the previous authorisation that was presented to the Council's planning control committee then this should be taken back to the Members to gain their consent for enforcement action. If not, then action could be taken using the existing authorisation.

CONCLUSION:

The proposed fascia and projecting signs are considered to harm the character and appearance of the Welwyn garden City Conservation Area and are contrary to PPS5, PPG19 and policies GBSP2, D1 and D2 of the District Plan. With regard to highway safety however it is considered that no objections are raised. In addition, it is

considered that the proposed 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.

RECOMMENDATION: REFUSE EXPRESS ADVERTISEMENT CONSENT

1. It is considered that the size, siting and design of the proposed fascia signage is out of keeping with the locality and takes no consideration to the architectural qualities of the application building. In addition, the proposed projecting sign would be unduly prominent within the street scene of Howardsgate detracting from the Central Welwyn Garden City Conservation Area. The proposal is thereby detrimental to the visual amenities and character of the area and would thereby fail to make a positive contribution to the character and local distinctiveness of Welwyn Garden City Conservation Area and would be against the presumption in favour of the conservation area. The proposal would therefore be contrary to PPS5, PPG19 and Policies D1, D2 and GBSP2 of the Welwyn Hatfield District Plan and Welwyn Hatfield District Plan Supplementary Design Guidance 2005, Section 6 (Statement of Council Policy), PPG19 and Advertisement Regulations in that it is detrimental to visual amenity.

INFORMATIVES:

None

REFUSED DRAWING NUMBERS

Site Location Plan received and dated 15 December 2011 & Drawing Nos. CF-270112-SIDE and dated 30 January 2012 & KL – 060610-SF received and dated 08 February 2012.

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