

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	N6/2011/2784/AD
APPLICATION Site:	41 Howardsgate, Welwyn Garden City

NOTATION:

The site lies within Welwyn Garden City Town Centre, Welwyn Garden City Conservation Area, Primary Retail Core and Retail Frontage as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

45 Howardsgate is sited in Welwyn Garden City Town Centre and is on the northern side of the highway. Howardsgate consists of a variety of shops. Each of the units has its own shop front, with both fascia and projecting signs.

45 Howardsgate is sited towards the eastern end of Howardsgate. The shop frontage spans approx. 6 metres of the parade. A fascia board runs the full width of the frontage and the shop frontage is predominately glazed with a metal frame and shutters.

DESCRIPTION OF PROPOSAL:

The proposal seeks planning permission for a new fascia sign and one projecting sign.

The fascia sign would span the full width of the fascia. The fascias are split into two, one to represent each of the brands within the store. The projecting sign would be sited at the western end of the fascia, 2.3 metres above the footpath. It would extend approximately 0.5 metres from the fascia and 0.5 metres in height.

Since the application has been received, both the fascia sign and projecting sign have been installed.

PLANNING HISTORY:

N6/1982/0278/ - New shop front. Granted 8th July 1982

N6/1982/7017/AD - Illuminated fascia sign and projecting signs (Application received May, 1982). Granted 5th August 1982

N6/1989/7038/AD - Illuminated fascia and projecting sign. Granted 21st August 1989

N6/2003/0675/FP – Installation of rollershutters. Granted 14th July 2003

SUMMARY OF POLICIES:

National Policy

PPS1: Delivering sustainable development

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG19: Outdoor Advertisement Control

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

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

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS:

Hertfordshire County Council (Transport Programmes & Strategy) does not wish to restrict the grant of planning permission subject to the following condition

1. All parts of the projecting signage must be at a height of, or greater than 2.1 m vertically above the footpath and no less than 500 mm horizontally from the edge of the carriageway. Reason: In the interests of pedestrian/highway safety and convenience.

In addition to the above conditions it is recommend including the following advisory note to ensure that the works within the highway are carried out in accordance with the provisions of the Highway Act 1980. AN1. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection into or over the public highway. The applicant is advised to contact the Mid West Herts Highways Area Office (01727 816000) to obtain the requirements on the procedure to enter into the necessary licence agreement with the highway authority, Hertfordshire County Council.

TOWN/PARISH COUNCIL COMMENTS:

None received

REPRESENTATIONS:

This application has been advertised by neighbour notification letters, site notice and press notice 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. The impact on the visual amenity of the surrounding environment

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"

Howardsgate forms part of one of the main retail frontages in Welwyn Garden City Town Centre. Howardsgate is lined with units in Use Class A1, A3 and A5. These units have their own individual shop fronts and they all have some form of fascia sign

that runs along the top of the frontage. There are also a number of projecting signs and these all project from the fascia boards.

The fascia sign is proposed to be sited in the same location as the existing and would be of the same scale. The existing fascia has a protruding element above the door of which the proposal seeks to removal. Similarly the projecting sign would be of a similar scale and siting to those already located within this street scene. It is noted that a number of projecting signs exist along this part of Howardsgate, a number of which do not have planning permission and are therefore unauthorised. The amount of projecting signs in addition to the varying designs, scale and locations has led to a cluttering effect. As a result of this and the general design of shopfronts and adverts within Welwyn Garden City Town Centre, the council has decided that further guidance and stricter control is required. A design guide for Welwyn Garden City shopfronts and adverts is currently being drafted which sets out the following design principles:

- *Do not design the shopfront in isolation but take into account the scale and style of the existing building and/or the terrace in which it sits. In most cases the shopfront is part of a larger building/terrace where uniformity is a key feature,*
- *Ensure that the shopfront respects the scale and proportions of the building and its neighbours so that it can harmonise with the street scene.*
- *Choose materials that are of good quality and compatible with the rest of the building,*

Furthermore, new or replacement adverts and signs should also be carefully considered in relation to the overall design and appearance of the shop and surrounding buildings. The draft guidance advises that there should be no more than one projecting sign per shopfront and, where possible, to avoid two units putting projecting signs on the same side. Its aim further enhances that of the existing supplementary design guidance which seeks to maintain and enhance the character and appearance of the town centre conservation area

No projecting signs exist on the application site and the proposal only seeks one projecting sign. Furthermore it is proposed on the end of the shopfront where no projecting signs exist. It is therefore considered that the projecting sign would not detract from the character and appearance of the application site and the street scene as a whole to warrant refusal.

Overall, it is considered that the proposed signs, by virtue of their siting, scale and design, would sufficiently maintain the visual amenity of Howardsgate and the wider area in accordance with PPG19 and Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

2. The impact of the proposed development on the highway

Both the fascia and projecting signs are not shown to be illuminated and the Highways Authority does not wish to restrict the grant of planning permission subject to the inclusion of a condition which restricts the height and width of the projecting sign. Therefore, the proposed signage has no implications on highway safety and would not affect the free passage of pedestrians.

3. Other material planning considerations

Protected Species 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.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a 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 Act. 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:

The proposed signage would not impact on highway safety and would not have a detrimental impact on the visual amenity of its surrounding environment.

RECOMMENDATION: GRANT EXPRESS ADVERTISEMENT CONSENT FOR 5 YEARS

CONDITIONS:

- 1-5 C.10
- 6. C.13.1 – Development in accordance with the approved plans and details: Site Location Plan (1:1250) & Block Plan & CCVY-WGC-PL1 (REV:C) received and dated 19th January 2012
- 7. All parts of the projecting signage must be at a height of, or greater than 2.1 m vertically above the footpath and no less than 500 mm horizontally from the edge of the carriageway.

Reason: In the interests of pedestrian/highway safety and convenience.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS5, PPS9, PPG19, East of England Plan 2008 policies SS1, ENV6, ENV7 and development plan policies SD1, GBSP2, D1 and D2 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:

- 1. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection into or over the public highway. The applicant is advised to contact the Mid West Herts Highways Area Office (01727 816000) to obtain the requirements on the procedure to enter into the necessary licence agreement with the highway authority, Hertfordshire County Council.
- 2. Drawing no. CCVY-WGC-PL1 (REV:C) indicates that the existing shopfront and roller shutter are to be refurbished/decorated. These alterations are subject to a separate planning permission and therefore do not form part of this application.

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