

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

<b>APPLICATION No:</b>	<b>N6/2012/1913/AD</b>
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**NOTATION:**

The site lies within the Central Welwyn Garden City Conservation Area and Town Centre as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The application site is located on the northern corner of Howardsgate at its junction with Parkway. It comprises a ground floor, corner shop unit with lawful use as a class A3 – A5 restaurant/takeaway, previously having been occupied by Pizza Hut.

**DESCRIPTION OF PROPOSAL:**

The application seeks advert consent for the erection of five externally illuminated signs. The signs would measure approximately 750mm tall and would be located approximately 3.4 metres above ground level. The letters would be flush with the face panel and there would be a total of six lights above the signage to provide illumination. The two projecting signs would have external illumination above the signs.

**PLANNING HISTORY:**

N6/2012/379/AD - Installation of internally illuminated fascia and projecting signs  
Refused 13/04/2012

Reason for refusal:

1. The installed illuminated replacement fascia signs by virtue of their brown background and bright yellow colouring for symbols and letters represent a visually intrusive form of development that detracts from the overall character and appearance of the ground floor shop unit and its relationship as an intrinsic component of the overall built development at this visually sensitive junction of Howardsgate and Parkway within the Conservation Area. As such, the signs as installed and operated, fail to meet the provisions of Policies GBSP2, D1, and D2 of the Welwyn Hatfield District Plan 2005, and the adopted Supplementary Design Guidance, February 2005. In addition, the signs as installed fail to meet the advice contained in paragraph 67 of the National Planning Policy Framework March 2012.

N6/1999/0475/FP Alteration to existing elevations. Approved 26 July, 1999.

C6/1988/0876/FP New shop front and creation of additional floor-space for class A3 use. Approved 26<sup>th</sup> September, 1988

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Planning Policy is contained in the National Planning policy Framework (NPPF) – March 2012. Paragraph 67 is of particular relevance in respect of outdoor advertisement control.

East of England Plan 2008

SS1: Achieving Sustainable Development  
SS2: Overall Spatial Strategy

Hertfordshire Structure Plan Review 1991 – 2011:  
None

Welwyn Hatfield District Plan 2005:  
SD1: Sustainable Development  
GBSP2: Towns and specified settlements  
R3: Energy Efficiency  
D1: Quality of design  
D2: Character and context  
R22: Development in Conservation Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005.

This documents provides the following Supplementary Design Guidance in relation to Advertisements on shop premises within Conservation Areas, and specifically within Welwyn Garden City Town Centre and the area containing the application site.

#### **“Advertisements in Conservation Areas**

6.6 This section supplements Policy R22 Development in Conservation Areas and Policy D1 Quality of Design in the District Plan. The Conservation Areas of Welwyn Garden City, Welwyn and Old Hatfield contain significant retail and commercial establishments which need to advertise their location and the services that they provide. Within these Conservation Areas the overriding aim is to preserve and enhance the uniqueness of each area and this is considered more important than competitive advertising or the promotion of corporate images.

6.7 Attention should be given to the design, size and location of signs so that they preserve or enhance the character and appearance of the Conservation Area. The sensitive positioning of signs and the use of appropriate materials is vital to good design.

6.8 All advertisements requiring express consent must comply with the following criteria:

- (i) 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;
- (ii) within the Welwyn Garden City town centre, as defined on the inset plan, all proposals for signs and advertisements must accord with the detailed design guidance set out below.

#### **Advertisements in Welwyn Garden City Town Centre**

6.9 This section supplements Policy D1 Quality of Design in the District Plan. The architecture for the town centre has a number of variations, but with a neo-Georgian theme predominating, as elsewhere in Welwyn Garden City. The types of shopfront design can be divided into four groups, and each of these four types of shopfront has specific design guidance in relation to the display of advertisements: -

#### **2. Shopfronts with stonework surrounds**

The following shop units have stonework surrounds, with the stonework detailing at a high level above the shopfront:

O'Neill's Public House, Parkway

Nos.16-22 (even) and 1-7 (odd) Howardsgate

On these properties signs should be incorporated within the existing shopfront design, in order to be subservient to the overall design of the building and to ensure that they do not impinge on the stonework surround.”

## **CONSULTATIONS**

**HCC Transportation Planning and Policy Department** – Do not wish to restrict the grant of permission subject to a condition in the event of approval restricting the level of illumination.

## **TOWN/PARISH COUNCIL COMMENTS**

None

## **REPRESENTATIONS**

This application has been advertised and no representations were received.

**DISCUSSION:** The main issues are:

- 1. The impact on the visual amenity of the surrounding environment and on the character and appearance of the Conservation Area.**
- 2. The impact of the proposed development on the highway**
- 3. Other Material Planning Considerations**

1. The Council's supplementary design guidance supplements Policy D1 of the District Plan. All advertisements requiring express consent must accord with a number of criteria which includes that the proposals should be well designed and sensitively positioned, should relate to the character, scale and design of the building, the size and position of signs should respect the architectural feature of the building on which they are display and should not create visual cluttered thereby breaking up the visual rhythm of the street scene.

Paragraph 67 of the NPPF advises that: *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

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

The proposed development would be sited on the corner shop unit at its junction on the northern side of Howardsgate with Parkway. Surrounding the application site are a number of fascia signs and illuminated projecting sign advertisements relating to other shop units within the Howard's Centre, some of which are also internally illuminated. The premises were previously occupied by Pizza Hut which had signs in the same locations as those now proposed to be retained by this application and of a similar design. The new advertisements are located at similar heights to other signs in the vicinity and are of a similar size and scale.

A previous application for advertisements on the property [N6/2012/379/AD] was refused [N6/2012/379/AD] on the basis that the proposal represented a visually intrusive form of development that detracted from the character and appearance of the ground floor shop unit and its relationship to the surrounding area in a prominent junction. The current proposal has removed the internal illumination of the signage and would involve the installation of external illumination. It also differs from the previously refused scheme in that signage that would be mounted in the window of the property is no longer being proposed.

The signs would project a similar distance as other signs and would be positioned over the existing openings and insets of the building, which would relate to the architectural features of the building. In addition to this, it is considered that the proposed signage would differ from that proposed in the previously refused scheme as it would use external illumination and would also not involve the insertion of signage in the window of the premises. Whilst these are not entirely significant changes, they have the effect of improving the overall visual appearance of the signage and the stonework surround is not affected.

However, the plans submitted do not provide clear details of the proposed external lighting units and it is considered that in the event of approval a condition should be attached to request that these details are submitted to and approved by the local planning authority prior to the commencement of development. Subject to the inclusion of this condition in the event of approval the proposal is considered to sufficiently overcome the previous reason for the refusal [N6/2012/379/AD] and would comply with the NPPF and District Plan Policies GBSP2, D1, and D2.

2. The fascia and projecting signs would be externally illuminated. A consultation was arranged with Hertfordshire County Council Transportation and Policy and the response received stated that there was no objection to the proposed sign subject to a condition relating to the control of the level of illumination. Based on this response and subject to the inclusion of the suggested condition, the proposal is not considered to impact adversely on highway safety.

3. 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, which is expected to begin its passage through Parliament before Christmas. 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 or the character and its impact on the appearance of the property and Welwyn Garden City Conservation Area is considered to now be satisfactory subject to the inclusion of conditions in the event of approval.

#### **RECOMMENDATION: GRANT EXPRESS ADVERTISEMENT CONSENT FOR 5 YEARS**

#### **CONDITIONS:**

1-5. C.10 – Advertisements

6. C.10.1 – External Illumination

7. 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 received and dated 29 August 2012 & E-0-02 received and dated 23 October 2012.

8. The intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Engineers in the publication "Brightness of illuminated Advertisements" ILE Technical Report No 5.

Reason: To ensure that drivers of vehicles along the adjacent highway are not dazzled or distracted, leading to interference to the free and safe flow of traffic along the highway.

9. Within one month of the date of this consent full details of the proposed external lighting that will be used to illuminate the fascia signage hereby approved shall be submitted to and approved in writing by the local planning authority. The

installation of the lighting shall be carried out within two months of the date of approval of the details and shall be permanently maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The plans do not show sufficient details of the lighting and this is required in order to ensure that the proposed design of the lighting sufficiently maintains the character and appearance of the property and surrounding conservation area in accordance with the NPPF and policies GBSP2, 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 2008 policies SS1, ENV3, ENV7 and development plan policies D1, SD1 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 Hertfordshire Highways Area Office at Highways House, 41-45 Broadwater Road, Welwyn Garden City, Herts, AL7 3AX (tel 1300 1234047) to obtain the requirements on the procedure to enter into the necessary licence agreement with the highway authority, Hertfordshire County Council

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

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