

16. 18/0942/ADV - Advertisement Consent: Installation of internally illuminated hanging signs at STATION APPROACH, SOUTH OXHEY, HERTFORDSHIRE, for Countryside Properties PLC (DCES)

Parish: Watford Rural

Ward: Carpenters Park

Expiry of Statutory Period: 17 July 2018

Case Officer: Claire Westwood

Recommendation: That Advertisement Consent be granted.

Reason for consideration by the Committee: TRDC interest in the land.

1 Relevant Planning History

- 1.1 16/0005/FUL - Hybrid planning application for the phased comprehensive redevelopment of the land at South Oxhey (South Oxhey Central, Maylands Road, Hayling Road and Hallows Crescent) to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking. Permitted 31.05.16. Implemented with works commenced in relation to Phases 1A and 1B.
- 1.2 16/2040/AOD - Approval of Details: Details pursuant to Condition 18 of hybrid planning permission 16/0005/FUL comprising layout, scale, appearance and landscaping for Phase 1B (Station Approach). Permitted 20.01.17. Implemented.

2 Description of Application Site

- 2.1 Station Approach is located to the east of Prestwick Road and is currently being redeveloped as part of the wider South Oxhey redevelopment (Phase 1B) following the grant of planning permission 16/0005/FUL and subsequent Reserved Matters application 16/2040/AOD. The planning permission has been implemented with work on the northern Blocks recently completed. Work on the southern Blocks is on-going.
- 2.2 The site slopes down from Prestwick Road to the Station (Carpenters Park Station) to the east of the site. The redevelopment of Station Approach (Phase 1B) includes an 'in' and 'out' loop access road with taxi stand, short stay parking, dual use bays, bus stop and access to the adjacent car park. Flexible 'Town Centre' floorspace is provided in 4 main blocks (W, X, Y and Z), two to either side and facing into Station Approach, and a single storey unit (Unit 19) centrally located beyond the loop access road to the front of the Station.

3 Description of Proposed Development

- 3.1 As noted above, planning permission 16/2040/AOD granted consent for the Reserved Matters (layout, scale, appearance and landscaping) for the redevelopment of Station Approach (Phase 1B) following the grant of planning permission 16/0005/FUL.
- 3.2 Whilst there would be a mix of uses within the Blocks, in order to ensure a degree of consistency the permitted scheme included a consistent design approach to the shop fronts including in relation to the size and style of glazing and the size of the fascia above each unit.
- 3.3 The current application seeks advertisement consent for 23 illuminated projecting signs to be affixed to the south elevations of Blocks W and Y, and the north elevations of Blocks X and Z. The proposed specification is uniform across the 23 projecting signs, to ensure a consistent approach to detailing across all of the buildings.

- 3.4 It is noted that the projecting signs have been affixed to the completed northern Blocks W and Y. The southern Blocks are under construction.
- 3.5 The projecting signs would have a maximum width of 0.7 metres and height of 0.4 metres. They would be mounted 2.99 metres above pavement level and will project 0.77 metres from the face of the building. The signs would have an aluminium frame and acrylic face. The intensity of illumination proposed will ensure that no light nuisance which intrudes on residential amenity is caused.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Watford Rural Parish Council: [No response received]
- 4.1.2 Hertfordshire Highways: [No objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

INFORMATIVE:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Projecting signs

AN). 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 County Council Highways via either the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.

COMMENTS / ANALYSIS:

The proposal comprises of the installation of an internally illuminated hanging sign at Station Approach, South Oxhey. Station Approach is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

The proposed sign is not located on the highway and the height of the proposed hanging sign is 2.77m from the ground, which is greater than the minimum vertical clearance of 2.3m above a footway as outlined in Roads in Hertfordshire: Highway Design Guide and therefore acceptable. The applicant is reminded that the level of luminance should comply with the recommendations as set out in Chapter 8 of the Institution of Lighting Engineers' Technical Report Number 5 - Brightness of Illuminated Advertisements (Third Edition).

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application, subject to the inclusion of the above informative.

- 4.1.3 Environmental Health: [No response received]
- 4.1.4 National Grid: [No objection]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 24 No of responses received: 0

4.2.2 Site Notice: Expired 19/6/18 Press notice: Not required.

4.2.3 Summary of Responses: None received.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, CP7, CP9 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6 and DM9.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(29) are relevant.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

7 Planning Analysis

7.1 Advert Regulations

7.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended). This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

7.1.2 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

7.1.3 Paragraph 67 of the National Planning Policy Framework advises that 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 and that advertisements should be subject to control only in the interests of amenity and public safety.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.2.2 The projecting signs would serve a functional purpose and would not appear out of context within their setting. It is not considered that the scale or siting of the signage would cause demonstrable harm to the amenity or character of the area or that it would be unduly prominent so as to justify refusal of consent. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should protect residential amenity. Policy DM9 of the Development Management Policies document sets out that external lighting schemes should not have an unacceptable adverse impact on neighbouring properties, surrounding countryside, road users or wildlife.

7.3.2 The projecting signs would all face into Station Approach and would be screened from residential neighbours by the buildings themselves. There would therefore be no harm to residential amenity.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy

(adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. Given the nature and location of the proposals which do not include illumination, it is not considered that any impact to wildlife and biodiversity would occur.

7.5 Highways & Access

7.5.1 The signs would not obstruct the pavement and the Highways Authority raises no objection. As such, the development would not be considered to adversely affect highway safety or operation and would be acceptable in accordance with Core Strategy Policy CP10.

8 Recommendation: That ADVERTISEMENT CONSENT BE GRANTED subject to the following conditions:

8.1 Standard advertisement conditions:

- 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2) No advertisement shall be sited or displayed so as to;
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies PSP2, CP1, CP6, CP7, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations Local Development Document (adopted July 2013).

C2 The advertisement hereby permitted shall be carried out and maintained in accordance with the following approved plans: 2040-101-C5; 2040-308-C4; 2040-305-C4; 2040-308-C4-SIG; 2040-305-C4-SIG; 2040-304-C4-SIG; and 2040-304-C4.

Reason: For the avoidance of doubt, in the proper interests of planning and visual amenities in accordance with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended), Policies PSP2, CP1, CP6, CP7, CP9 and CP12 of the Core Strategy (adopted October 2011), Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations Local Development Document (adopted July 2013).

8.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 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 County Council Highways via either the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.