

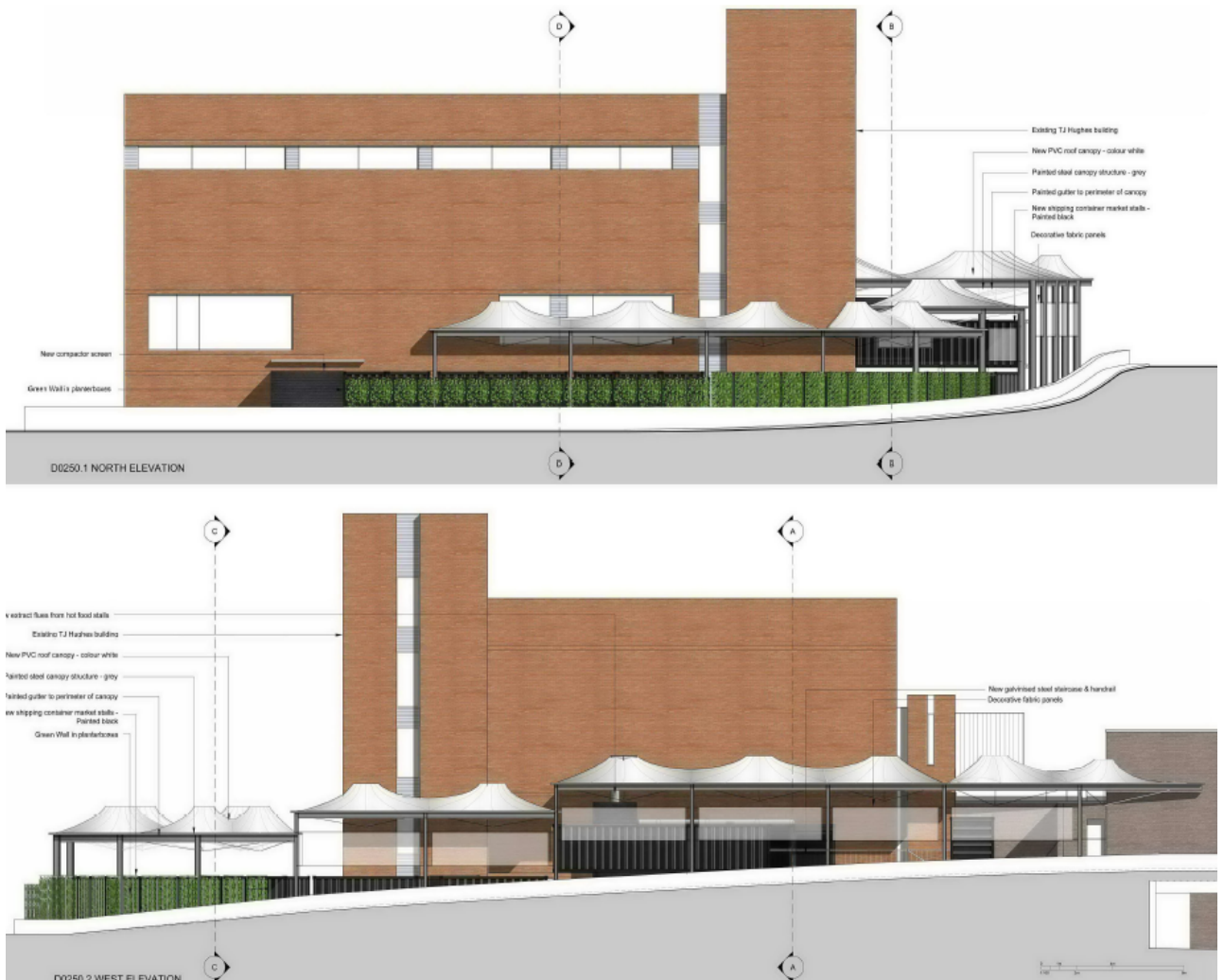
PART A	
Report of: DEVELOPMENT MANAGEMENT SECTION HEAD	
Date of Committee	7th January 2016
Site address:	Watford Market, Watford House Lane, Watford
Reference Number :	15/01160/ADV
Description of Development:	Install 11 advertising panels with market graphics above the containers in the existing market.
Applicant:	Watford Borough Council
Date received:	18th August 2015
8 week date:	13th October 2015
Ward:	CENTRAL

1.0 SITE AND SURROUNDINGS

1.1 The application relates to Watford Market, which is a covered permanent market that was granted conditional planning permission in August 2014 under reference 14/00861/FUL. Watford Market is located within the Town Centre Primary Shopping Area, as identified in Figure 6 of the Watford Local Plan Core Strategy 2006-31. The market stalls consist of black shipping containers and the market is covered by PVC canopy roofs with supporting structures. The canopy structure has metal framework. The rear part of the market is at ground floor only, however the front part towards the main entrance from the High Street is over two levels. The first floor part consists of a food court with a number of hot food stalls and an outdoor seating area.

1.2 The market is close to Exchange Road, which is a busy Class A Main Distributor road. The first floor food court is fairly exposed to wind, rain and noise because of its close proximity to Exchange Road, which has an impact on the use of the outdoor seating area.

1.3 The application site is not within a designated Conservation Area and there are no listed buildings within the application site. The Civic Core Conservation Area abuts the other side of the Exchange Road flyover and the adjoining buildings at Nos. 9 – 37 are Locally Listed.



Elevations approved under planning application 14/00861/FUL.

2.0 PROPOSED DEVELOPMENT

2.1 The application proposes the installation of woven polyester mesh panels on the road-facing side of the market. The panels would be positioned between the vertical framework of the canopy structure and would be beneath the canopy roofs. All of the panels are proposed to display advertisements and have the following dimensions.

Number of panels	Width (metres)	Height (metres)
4	7	4.1
2	7	2.6
5	7	1.4

2.2 The largest of the panels would be the southern most end of the market where the market has two storeys. Moving northward, the next two panels would have a height of 2.6 metres with the remaining 5 panels adjacent to Beechen Grove having a height of 1.4 metres.

2.3 All of the advertising panels have writing on them. In the top right hand corner there is “New Watford Market”, which has a height of 41cm. In the middle of the panel is the wording “New Watford Market is ...Delicious/Evolving/Vibrant/Eclectic”, which has a height of 30cm and at the bottom of each banner are the social media details having a height of 20cm. All banners will have colourful artwork behind the black wording as shown below.



3.0 RELEVANT PLANNING HISTORY

3.1 The following planning history is relevant to this application:

15/01159/FUL – To be withdrawn as all of the panels are to have advertising on them and therefore planning permission is not required.

14/00861/FUL - Revised application of planning permission 13/01067/FUL for an increase in the height of the canopy roof by 1.5m and slight changes to the materials (canopy is now PVC and not PTFE as before). Conditional Planning Permission. August 2014.

13/01067/FUL - Change of use from car parking to a mixed retail use covered outdoor market comprising fixed stalls under a steel and fabric canopy and portable market stalls in High Street, including arrangements for servicing and access from Watford House Lane and Beechen Grove. Conditional Planning Permission. December 2013.

4.0 PLANNING POLICIES

Development plan

4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing “saved” policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the “saved policies” of the *Watford District Plan 2000* (adopted December 2003), constitute the “development plan” policies which, together with any relevant policies from the County Council’s *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 **Watford Local Plan Core Strategy 2006-31**

WBC1	Presumption in favour of sustainable development
SS1	Spatial Strategy
SPA1	Town Centre
SD1	Sustainable Design
TLC1	Retail and Commercial Leisure Development
UD1	Delivering High Quality Design
UD2	Built heritage Conservation

4.4 **Watford District Plan 2000**

U15	Buildings of Local Interest
U25	Advertisements and Signs

4.5 **Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026**

No relevant policies.

4.6 **Hertfordshire Minerals Local Plan Review 2002-2016**

No relevant policies.

4.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

4.8 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.9 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 7 Requiring good design

Para 67 states 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.”

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

Decision taking and Determining Applications

5.0 CONSULTATIONS

5.1 Neighbour consultations

The following properties were notified:

23 - 33 The Parade High Street, Watford, WD17 1LQ,

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	1
Number of objections:	0
Number in support:	0
Number of representations:	0
TOTAL REPRESENTATIONS:	0

No representations have been received.

5.3 **Statutory publicity**

A site notice was posted outside the main entrance to Watford Market on 1st September 2015. The site notice expired on 22nd September 2015.

5.4 **Technical consultations**

The following responses have been received from technical consultees:

Hertfordshire County Council (Highway Authority)

The planning application is for 11 non-illuminated hanging signs within Watford Market area. The proposed signs are outside the highway boundary and will have no effect on the free and safe flow of traffic. Highway Authority does not wish to restrict the grant of consent.

6.0 **APPRAISAL**

6.1 **Main issues**

The main issues to be considered in the determination of this application are:

(a) impact on public safety

(b) impact on amenity

(a) impact on public safety

The National Guidance states that advertisements are intended to attract attention but should not affect public safety in respect of distracting road-users. The advertising panels are non-illuminated and are located within the site of the market and therefore are not likely to be distracting to road-users. The four largest advertising panels (7m x 4.1m) and the two medium advertising panels (7m x 2.6m) are parallel with Exchange Road, which is one way heading in a northerly direction and therefore the panels are not likely to be viewed by drivers (refer photo below). The advertising panels will be located behind the highway barrier between the supporting structure of the roof canopy. The largest panels will block the first floor seating area which is considered to be an improvement to public safety as there is potentially less distraction to drivers. This is due to the advertising panels blocking views into the seating area where people could distract drivers passing at any time. The advertising panels are considered to improve safety in this regard. It could be argued that

the writing and artwork on the panels is not necessary and clear panels could achieve the same result. The artwork will provide some animation to the locality without distracting drivers and therefore is considered acceptable in these circumstances.



The five smaller advertising panels (7m x 1.4m) will be located in the gap between the

landscaping and the lowest part of the roof canopy (refer photo below). Some of these panels will be parallel to drivers on Exchange Road travelling east towards Beechen Grove.



For drivers travelling east along Beechen Grove, the advertising panels will be partially visible behind the existing traffic signs (refer photo below). While the advertising panels will

be near a junction, all road-users will be travelling in an easterly direction and therefore there are less traffic hazards. It is not considered that the advertising panels will create any distraction to road-users.



The National Guidance on advertising identifies main areas where advertisements may cause danger to road users. These include impairing or obstructing sight-lines; being confusing to road-users; providing insufficient clearance above a highway; being illuminated; incorporating moving elements; located on narrow footpaths; resembling traffic signs; resemblance to directional signs. The application has been assessed taking these elements into consideration and it is concluded that the advertising panels should not be refused on public safety grounds.

The Highways Authority have not raised any concerns with the proposed advertising panels.



(b) impact on amenity

In the case of the proposed advertising panels, the visual amenity needs to be considered in regard to any residents or passers-by being impacted by the 11 advertising panels. The photos above show the location of the proposed advertising panels from the public highway where there is very limited pedestrian access. The photo below shows long views towards the site from Gaumont Approach adjacent to Sainsbury's. This is the main vantage point for pedestrians viewing the larger advertising panels. The other area where the advertising panels will be visible is from Jury's Inn located on the corner of Beechen Grove and Clarendon Road. It is not considered that the advertising panels will have any significant impact on the amenity of nearby residents or passers-by due to the distance from residential properties and the lack of pedestrian access adjacent to the panels.

The panels will be most viewed by people in vehicles using the ring road. The rear elevation of the market to the ring road currently presents the rear of the containers and views into the market with its various wares. The panels will screen these views and provide some visual benefit. It is not considered that they will adversely affect the visual

amenity of drivers.



The National Guidance on advertising states that other potential amenity issues to consider is the impact on scenic, historic, architectural or cultural features. The site is adjacent to locally listed building at 9 - 37 The Parade (former TJ Hughes building) and is opposite the Civic Core Conservation Area, which is located to the north-west of Exchange Road. The advertising panels will not be attached to the adjoining locally listed building but they will interrupt views of this building.

In regard to cultural features, one of the main reasons for the advertising panels is to improve the environment of the local market for stallholders and customers. The provision of the advertising panels will help reduce the impact of inclement weather whether helping to improve the local market which has been an attraction of Watford for many years, albeit now in a new location.

Whilst the advertising panels will improve the amenity of the users of the market, there is some concern that there will be a cumulative impact due to the number of advertising panels with regard to street clutter. The panels are setback from the road and will have the appearance of hoardings which are normally granted for a limited period to block development sites or untidy land. The proposed advertising panels are unique in regard to

not doing either of these but merely to improve the environment of the market and advertise the market at the same time.

Whilst consent for advertising normally lasts for 5 years, a local planning authority has discretion to grant consent for a shorter or longer period. To ensure that the advertising panels do not have a permanent impact on the visual amenity of the locality or views of the locally listed building and the adjoining conservation area, it is proposed to limit the consent to three years and review the advertising panels again. This limited consent will also ensure that there is a limit to the cumulative impact of the advertising panels, particularly in considering other applications for advertising hoardings that may be received in the future.

7.0 COMMUNITY INFRASTRUCTURE LEVY AND PLANNING OBLIGATION

7.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

Liability to CIL does not arise in the case of a development where the increase in gross internal area is less than 100sqm, unless the development comprises one or more dwellings. The proposed development would not create an increase in floor area, therefore there is no CIL charge in this case.

8.0 CONCLUSION

8.1 The application for the advertising panels has been carefully considered in the context of the relevant planning policies and guidance and it has been established that the proposal will not have any significant impact on public safety. With regard to amenity of residents

and passers-by, the proposal is not considered to have any long-term significant impact.

- 8.2 The cultural benefits of providing screening to the market have also been identified. However it is considered that there may be long-term impacts on the adjoining locally listed building and adjacent conservation area as well as having a cumulative impact and for this reason it is proposed to limit the consent to three years.

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 RECOMMENDATION

That advertisement consent be **GRANTED** subject to the following conditions:

1. This consent is granted for a period of three years from the date of this consent notice.

Reason: To comply with Regulation 14 (7) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

2. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed;
3. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;

4. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
5. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and
6. Once the advertisement is removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

Informatives

1. In dealing with this application, Watford Borough Council has considered the proposal in a positive and proactive manner having regard to the policies of the development plan as well as paragraphs 186 and 187 of the National Planning Policy Framework and other material considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

Drawing numbers

Ordnance Survey, 06288684-S-170, 06288684-S-171 Rev B, 06288684-S-172 Rev B, 60288684-S-173 Rev B, 60288684-S-174 Rev B, 60288684-S-176

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