

PLANNING COMMITTEE – THURSDAY 12TH DECEMBER 2024

24/0832/ADV – Advertisement Consent: Installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1 no. railing sign at 94 – 102 High Street, Rickmansworth, Hertfordshire, WD3 1AQ

Parish: Batchworth Community Council
Expiry of Statutory Period: 04.09.2024
(Extension of Time: tbc)

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That ADVERTISEMENT CONSENT BE GRANTED for what has been applied for and subject to the following standard condition as set out at section 9 below.

Reason for consideration by the Committee: Called-in by the Chair of the Planning Committee so the site can be considered comprehensively in conjunction with application 24/0829/FUL for the change of use.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SE4Q0AQFJYD00>

1 Relevant Planning History

- 1.1 24/0829/FUL – Change of use from Class E to Mixed Use for restaurant and takeaway (Class E and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works – Pending Consideration.

2 Description of Application Site

- 2.1 The application site contains a two-storey flat roofed commercial unit located on the northern side of the High Street, Rickmansworth. The host building is currently vacant but was previously in use as a clothing retail unit known as M&Co. until 2023
- 2.2 The host building is located within the Primary Retail Frontage of Rickmansworth Town Centre which runs along both sides of the High Street and is located within the Rickmansworth Conservation Area. An M&Co advertisement remains on the fascia of the building despite its vacant nature.
- 2.3 The application site is principally accessed from High Street but does benefit from a side and rear stair access into the building. No vehicular access or drop kerb exists at the rear onto Northway.
- 2.4 To the north of Northway behind the application site is Penn Place which is a residential flatted development. Adjacent to the site on the High Street is a restaurant known as 'Masala Bowl' and a hairdresser 'Louvere', and on the opposite side of the road are 'Starbucks and 'Creams Café'. The High Street itself is generally flat but the land rises gradually to the north such that Northway and the development beyond is set on a high land level than the High Street.

3 Description of Proposed Development

- 3.1 The application is seeking advertisement consent for the following advertisements and signage:
- 1 no. acrylic white "McDonald's" letterset to the front fascia

- 1 no. yellow vinyl “Golden Arch” applied externally to glazing to High Street facing window
- 1 no. projection sign to front elevation
- 6 no. parking signs
- 1 railing sign

3.2 The proposed “McDonald’s letterset would measure 5.2m in width, 100mm in depth and letterset height of 300mm and would be externally illuminated from the top down. It would be located above the main entrance door within the front façade.

3.3 The yellow vinyl “Golden Arch” would be a translucent feature rather than a solid yellow colour as indicated on the plans. An example such sign is appended to this report at **Appendix A**.

3.4 The projecting sign would measure 600mm x 600mm, projecting a total of 710mm from the front facing façade of the building and would contain a single “Golden Arch” symbol. It would be externally illuminated from the top down.

3.5 The remaining signage would be located to the rear of the unit affixed to the rear wall and would comprise aluminium signs with applied vinyl graphics. These would all be non-illuminated. The 1 ‘McDelivery Partners Please Go Down The Stairs’ sign would measure 620mm in height and 550mm in width. The 6 ‘McDelivery Partners Parking’ signs would measure 700mm in height and 280mm in width.

3.6 During the course of the application, amended plans were submitted and the original description of the proposal was altered. A summary of the changes can be seen below:

- The height size of the letterset for the “McDonald’s” was reduced from 575mm to 300mm.
- Internal illumination of the “McDonalds” letterset removed and external illumination now proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: Concerns raised.

BCC recognises that whilst the treatment of the glazing on the High Street facade may be necessary for immediate visual brand recognition, the actual overall size, the full height of the arch design is overwhelming and not appropriate in the Conservation Area.

BCC request that officers enter a dialogue with the applicant to reduce the size and create a more subtle form of brand design and colour for the fenestration

4.1.2 Hertfordshire County Council – Highway Authority: No objection

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

Projecting signs: Notwithstanding any 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 or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx>

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

Comments / Analysis

None of the proposed signage is located on the highway to the front (High Street) or rear (Northway) of the site.

There is a proposed overhanging sign which is higher than the normally recommended minimum vertical clearance of 2.3m above a footway and therefore the proposals are acceptable in this respect.

Guidance on illuminated signage and advertisements is set out in the Institution of Lighting Professionals publication 'Professional Lighting Guide 05: Brightness of Illuminated Advertisements (PLG05)'. Table 4 sets out recommended levels of luminance by illuminated area and environmental zone. For environmental zones E3, (medium district brightness, e.g., small town centres or suburban locations), Table 4 indicates a maximum recommended value of luminance on the surface of an advertisement of 600cd/m² for an illuminated area of up to 10m² and 300cd/m² for an illuminated area over 10m².

The proposed plans indicate a maximum illumination of 600cd/m². for the proposed projection sign and frontage letters, whilst the remaining signage is not illuminated.

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 highway informatives.

5 Public/Neighbour Consultation

- 5.1 Site Notice: Posted 10.06.2024 Expired 01.07.2024.
Press notice: Published 14.06.2024 Expired 05.07.2024.
- 5.2 Number consulted: 29
- 5.3 No of responses received: 7 objections, 1 letter of support.
- 5.4 Summary of Responses:

- Rickmansworth would be spoilt by introduction of McDonald's on High Street
- Detrimental impact on health on children and teenagers
- Restaurant will not be in keeping with character of the High Street
- Increase in litter
- Conservation areas McDonald's have previously toned down their finishes with silver façade and signage with no red or yellow.
- Signage needs to be discreet
- Signage designed to entice children
- Goes against Herts 4-year healthy eating plan
- Moral hazard not in keeping with the characteristic High Street
- Council has a duty to strictly enforce signage regulations in the conservation area
- Inappropriate to area, waste and damage to local environment
- Traditional, non-illuminated signage should be used.

6 Reason for Delay

- 6.1 Brought to committee at the same time as application 24/029/FUL for the proposed change of use so the site can be comprehensively considered.

7 Relevant Planning Policy, Guidance and Legislation

7.1 Legislation

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

7.1.2 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.

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

7.2 Development Plan Policy/ Local and National Planning Guidance

7.2.1 National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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 unless there is a clear reason for refusing the development (harm to a protected area).

7.2.2 The Three Rivers Local Development 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 CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (LDD) 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 DM3 and DM9.

Rickmansworth Conservation Area and Character Appraisal (1994)

8 Planning Analysis

8.1 Advert Regulations

8.1.1 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).

8.1.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

8.1.3 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.

8.1.4 Paragraph 141 of the National Planning Policy Framework advises the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety.

8.2 Design and Impact on the Streetscene and Heritage Assets

8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

8.2.2 The application site is located within the Rickmansworth Town Centre Conservation Area. In relation to development proposals in Conservation Area Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area. *The council will only permit development proposals including solutions to shop front security and/or use of standardised shop front designs, fascias or advertisement displays in a Conservation Area if they:*

(i) Sympathetic to the character and appearance of the Conservation Area;

(ii) Respect the scale, proportions, character and materials of construction of the upper part of the building and adjoining buildings and the streetscene in general;

(iii) Incorporate traditional materials where the age and character of the building makes this appropriate.

8.2.3 Policy DM3 outlines that generally totally internally illuminated fascias or projecting signs will not be permitted. The council will also not support applications for additional signs that would result in a proliferation of, and excess amount of, advertisement material on any individual building or group of buildings.

- 8.2.4 The Rickmansworth Town Conservation Area Appraisal (1994) states that only a small number of the buildings within the High Street are listed for the special architectural or historic interest – the application building is not one of those listed. The nearest listed buildings are 133 High Street (Dental Centre) and 74 High Street (W.H. Smith). 104-108 are all locally important buildings located next to the application site and on the opposite side of the High Street unit 153-155 and units 163-169 are also locally important buildings.
- 8.2.5 The Conservation Officer was informally consulted and whilst they held no objections to the principle of the adverts and signage, they raised concerns with the internal illumination of the projecting sign and letterset and advised that if illumination is required, it should be external. Amended plans were received to change the mode of illumination to external.
- 8.2.6 The proposed signage (fascia and projecting sign) would be acrylic and would be similar to existing signage within the wider streetscene and Conservation Area and as such would not appear out of character. Whilst Policy DM3 outlines that generally projecting signs may not be permitted, given the relatively minimal scale of the projecting sign and that there are numerous examples of similar projecting signs in the immediate vicinity some with external illumination, it is not considered that the proposed projecting sign would appear as an incongruous addition.
- 8.2.7 Amended plans were received during the course of the application process to reduce the height of the letterset to 300mm given the historic character of the High Street and to bring the letterset in line with other similar lettersets evident in the High Street such as 131 High Street (Greggs).
- 8.2.8 The signage at the rear would all be small scale and non-illuminated and be set off the public highway such that they would not be readily visible or prominent in this part of Northway.
- 8.2.9 Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Given the commercial nature of the premises, the limited scale of the signage and that similar signage is located in the immediate vicinity, it is not considered that the proposed signage would detrimentally impact upon the setting of the nearby Listed Buildings or Locally Important Buildings.
- 8.2.10 The proposed amended signage when read against the backdrop of other commercial buildings within the streetscene would appear subordinate and represent an appropriate and sympathetic form of development which would preserve the appearance of the existing building. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Rickmansworth Town Centre Conservation Area and Character Appraisal (1994).

8.3 Impact on Neighbours

- 8.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 seeks to ensure that there is no unacceptable adverse impact on neighbouring or nearby properties as a result of lighting proposals.
- 8.3.2 The proposed alterations would not significantly alter the appearance of the building relative to the existing arrangement. The scheme has been amended to remove the illumination of the fascia and projecting signs and as such there are no concerns with regards to impacts to the amenity of the occupiers of any nearby residential or commercial properties.

8.3.3 Overall, it is not considered that the amended proposal would be imposing on any neighbouring residential dwellings or would result in an adverse impact on neighbouring residents which would harm their amenity. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.4 Highways Impacts

8.4.1 The Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) seeks to assess the impact on public safety.

8.4.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.

8.4.3 The proposed signage would be set inside of the application site on the commercial premises. Given the location and scale of the proposed signage and its non-illuminance, it is not considered that the proposed signage would pose an obstruction to pedestrians or drivers.

8.4.4 It is not considered that the proposed advertising signage would result in any demonstrable harm to public safety in accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended) and CP10 of the Core Strategy (Adopted October 2011).

9 Recommendation

9.1 **That ADVERTISEMENT CONSENT BE GRANTED for what has been applied for and subject to the following standard condition:**

C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.

2] 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.

3] 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.

4] 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.

5] 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.

6] 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 CP1 and CP12 of the Core Strategy (adopted October 2011).

9.2 Informatives:

I1 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.

- I2 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- I3 **Storage of Materials:** The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- I4 **Obstruction of Highway:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- I5 **Debris and deposits on the Highway:** It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.