

Reference No: 5/25/0189

Valid Date: 12/03/2025

End of Stat Period Date: 06/05/2025

Case Officer: Adam Thomas

Report Written Date: 17/04/2025

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**Applicant:** Mr A Tubb WoolOvers UK

**Proposal:** Advertisement consent (retrospective) - Display of two internally illuminated fascia signs and decorations to brand logo colours

**Site Address:** 46 The Maltings St Albans Hertfordshire

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**Ward:** St Peters

**Parish:** CENTRAL

**Constraints:**

Conservation Area

Archaeology Recording Areas

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**BACKGROUND**

**Site / Surroundings:**

The unit is purpose built within the 1980's shopping arcade The Maltings, whilst within the St Albans Conservation Area this arcade is clearly modern with a strong uniformity of shop units characterised by square framed shop fronts with dedicated fascia boards. No. 46 is an existing retail unit within The Maltings shopping centre. The area comprises a mixture of commercial units at ground floor area with some residential units above.

**Proposal:** Advertisement consent - Display of two internally illuminated fascia signs and decorations to brand logo colours

**Relevant Planning History:**

5/2003/2338 - Erection of internally illuminated fascia sign – Refusal 30.12.2003

*Reason for refusal: By reason of its design and full internal illumination, the proposed fascia sign would fail to preserve or enhance the character of the Conservation Area to the detriment of local amenity. The proposal is contrary to Policies 78 (i) and 90 (iii), (iv), (v), (vii) of the St Albans District Local Plan Review 1994.*

5/2004/1636 - Erection of two free standing and three wall fixed internally illuminated advertising posters – Refusal 14/09/2004.

*Reason for refusal: The application site is located within a designated Conservation area. The proposed advertisement display would, by reason of its size, design, siting and method of illumination, significantly detract from the appearance of the building and the visual amenity of the area contrary to the aims of Policies 78 (i) and (ii) and Policy 90 (iii), (iv), (vii) and (viii).*

Appeal Part Dismissed/Part Allowed – 28/01/2005

5/2015/1924 - Alterations to shop front - Conditional Permission 25.08.2015

5/2015/2115 - Advertisement consent - One internally illuminated fascia sign and one internally illuminated projecting blade sign - Partial Express Consent 14.09.2015

## **PLANNING POLICY**

Town and Country Planning (Control of Advertisements) Regulations 2007

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

The National Planning Policy Framework is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 231 and 232 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, 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 closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

### **National Planning Policy Framework**

Consultation on “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation”, and The Secretary

of State's written ministerial statement entitled "Building the homes we need", published on 30 July 2024

St. Albans District Local Plan Review 1994:

Policy 34 Highways Considerations in Development Control

Policy 78 Advertisement Control

Policy 85 Development in Conservation Areas

Policy 90 Shopfronts and Advertisements in Conservation Areas and on Listed Buildings

Supplementary planning Guidance/Documents

St Albans Conservation Area Character Statement 2016

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## REPRESENTATIONS

### Consultations:

**HCC Highways** – 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.

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## DISCUSSION

### Main Issues:

Policy 78 of the St Albans District Local Plan Review 1994, together with the Town and Country Planning (Control of Advertisements) Regulations 2007 and the National planning Policy Framework (NPPF) make it clear that control of the display of advertisements shall be exercised only in the interests of "local amenity" and "public safety". Therefore, whilst the Local Plan has other policies that could determine the acceptability of the application proposals, the policies themselves are not decisive and the proposed advertisements must be assessed in terms of whether they affect the interests of amenity and public safety.

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and design standards. They should also be visually attractive. Specifically in relation to advertisements, the NPPF notes that "the quality and character of places can suffer when advertisements are poorly sited and designed."

"Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (Regulation 2(1)). Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (Regulation 3(2)(a)).

### Visual Amenity

The Maltings is a modern shopping centre in the Conservation Area. The signage would be constructed out of an aluminium box fascia in RAL 5020 ocean blue colour with white text.

Policy 90 of the Local Plan relates to advertisements in Conservation Areas and states that modern box fascia signs shall be avoided in favour of signwritten fascias or flat fascias with

individually applied letters. The size of lettering shall relate to the scale of the fascia and building.

It is noted that advertisement consent has been approved for a number of fascia signs within the Maltings. However the signs are also proposed to be internally illuminated. Internal illumination would not normally be supported in a Conservation Area. With policy 90 also stating that full internal illumination of signs will normally be refused and externally illuminated signs will normally be encouraged.

In this instance however, the site is located within the modern Maltings Shopping centre where there are other examples of the lettering and logos of advertisements being fully illuminated within adjacent shopfronts. The applicant has confirmed that only the letter themselves would be internally illuminated and the design is similar to the previous signage on site for 'Trespass'.

On this basis, it is considered that the proposed signs would be in character with other signage in the locality and would preserve the character and appearance of this part of the Conservation Area that comprises a relatively enclosed shopping centre, complying with Policies 78 and 90 of the Local Plan. The proposed signs would therefore be acceptable in terms of design, siting and visual amenity.

It is reasonable to ensure that the signage is illuminated during the hours of opening of the business only, and this is consistent with other advertisement consents in The Maltings. As per the highway section below, in the interests of amenity, it is considered that the intensity of illumination should be controlled by way of condition.

#### Highway and Public Safety

In terms of public safety, the signs would not obstruct the public footway within a private shopping area and they will be attached to the shop front fascias 2.1 metres above the ground. The advertisements would have minimal projection and no vehicles pass the site as it is located within a pedestrian only shopping area.

The proposal seeks permission for display of two internally illuminated fascia signs and decorations to brand logo colours. The applicant should ensure that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. The proposal is on their building within their site and this area is private, the Highway Authority does not wish to restrict the grant of permission.

The advertisement is considered to be acceptable in terms of highway and public safety.

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## **REASONS FOR GRANT**

The proposed advertisement displays are considered acceptable. They will have no detrimental impact on visual amenity nor on highway safety. The proposal will preserve the character and appearance of the Conservation Area. The proposal is in accordance with Policy 78 (Advertisement Control), Policy 85 (Development in Conservation Areas) and Policy 90 (Shopfronts and Advertisements in Conservation Areas and on Listed Buildings) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2024.

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## **EQUALITY AND HUMAN RIGHTS CONSIDERATIONS**

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

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**RECOMMENDATION:** AC2 Advert Consent Standard      **Decision Code:** A3

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### **Conditions/Reasons**

#### Condition

1. This consent is granted for a period of five years commencing on the date of this notice.

#### Reason

1. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

#### Condition

2. The illumination of any advertisement display hereby authorised to be illuminated shall take place during the hours of opening of the business operation only and at no other times.

#### Reason

2. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

#### Condition

3. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason

3. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Condition

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason

4. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Condition

5. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason

5. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Condition

6. 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.

Reason

6. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Condition

7. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway, (including any coastal waters) or aerodrome (civil or military).

Reason

7. To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

Condition

8. The intensity of illumination shall be provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.

Reason

8. In the interests of highway safety and visual amenity in accordance with Policies 34, 78 and 90 of the St Albans District Local Plan Review 1994.

**Informative(s):**

This determination was based on the following drawings and information: 8740\_01, 8740\_02, 8740\_101, 8740\_102.

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**PLAN NO'S:** 8740\_01, 8740\_02, 8740\_101, 8740\_102

**LOCAL GOVERNMENT ( ACCESS TO INFORMATION ) ACT 1985**

**Officer** Adam Thomas

**Section 65 Parties**

**Plans on website** [http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lq.Planning](http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning)

Author: Adam Thomas

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