

Reference No: 5/25/0210

Valid Date: 13/03/2025

End of Stat Period Date: 07/05/2025

Case Officer: Jacqui Ansell

Report Written Date: 25/04/2025

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**Applicant:** Mrs W Mackney Arlo Living Limited t/a Arlo & Jacob

**Proposal:** Advertisement consent - Display of one externally illuminated fascia sign and two non illuminated fascia signs

**Site Address:** Unit C2/C3 The Albert Bygrave Retail Park North Orbital Road St Albans Hertfordshire

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**Ward:** Cunningham

**Parish:**

**Constraints:**

Source Protection Zones

Sand & Gravel MSA

Motorway

Metropolitan Green Belt

Met Office 2

Met Office 1

BPA Pipe

Area of Special Control for Ad

Airport Safeguarding

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**BACKGROUND**

**Site / Surroundings:** The application site comprises of a small unit on Albert Bygrave Centre. The site is located to the front of the complex of buildings and is located within the Green Belt on the north side of the North Orbital Road. The site is not located within a conservation area and is not adjacent to any listed building.

**Proposal:**

This application seeks advertisement consent for the following advertisements:

Fascia Sign Located on the front elevation. To measure 2.13m wide, 1.4m high, 0.05m deep located 1.01m from ground level. Acrylic sign in matt black and pantone with maximum height of letters 47.1cm. Static halo illumination to 350 cd/sqm.

Fascia Sign Located on the front elevation. To measure 1.85m wide, 1.35m high, 0.01m deep located 1.06m from ground level. Acrylic sign in matt black with maximum height of letters 24.2cm. Non-illuminated.

Fascia Sign Located on the side elevation. To measure 1.48m wide, 0.87m high, 0.01m deep located 0.89m from ground level. Acrylic sign in matt black with maximum height of letters 32.5cm. Replacement "what3words" sign measuring 0.95m x 0.33m. Non-illuminated.

**Relevant Plan History:**

5/25/0071 New window and door frame wrapping and oak effect cladding. Under consideration.

Unit C1B

5/19/2884 Advertisement Consent – one internally illuminated fascia sign and one non illuminated logo vinyl sign. Granted.

#### Wider Site

5/21/0120 Advertisement Consent – erection of a non-illuminated totem sign. Granted.

5/20/1477 Advertisement Consent – four non-illuminated totem signs, two non-illuminated free standing signs and relocation of rotating sign. Granted.

5/17/3035 Advertisement Consent – Removal of existing and display of two externally illuminated signs to retail unit. Granted.

5/17/3034 Advertisement Consent – Removal of existing signage and display of two non-illuminated free standing signs. Granted.

### **PLANNING POLICY**

National Planning Policy Framework

St. Albans District Local Plan Review 1994:

|           |                           |
|-----------|---------------------------|
| POLICY 69 | General Design and Layout |
| POLICY 78 | Advertisement Control     |

Supplementary planning Guidance/Documents

N/A

#### Planning Policy Context

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.

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## **REPRESENTATIONS**

**Publicity:**

**Expiry Date:**

**Notifications:**

N/A

**Town/ Parish Council:**

N/A

**Consultations:**

Herts County Council – Highways

Does not wish to restrict the grant of planning permission, subject to a condition in regard to illumination given the lighting is close to the busy A414 North Orbital Road. This is required in the interest of public safety and visual amenity.

National Highways

No objection.

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## **DISCUSSION**

**Main Issues:**

The Local Plan (Policy 78), together with the National Planning Policy Framework and the Town and Country Planning (Control of Advertisements) Regulations 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 the interests of local 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 history; and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. 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)).

### Impact on Amenity

The application site is located on the Albert Bygrave Retail Park fronting onto the northern side of the A414, North Orbital Road dual carriageway. The frontage is open where a number of different types and sizes of signage is evident. The application site currently has temporary signage on the elevations. Although located within the Green Belt, the use of the site is established together with the advertisements associated with existing uses.

It is noted that a number of signs exist within the wider retail park, with directional and informative signs relating to the whole site tending to be non-illuminated and signs on each retail unit being a mix of non-illuminated and illuminated.

Two of the fascia signs would be located on the front elevation, with one being illuminated, and the other fascia sign being on the side elevation. Whilst on the front, the frontage is set back from the North Orbital Road and the signage, including illumination, would not appear overly prominent or result in harm to visual amenity and character.

It is acknowledged that three fascia signs on one small unit could be considered to result in adverse clutter however, in this instance, the visual appearance of the signs, with only one being illuminated, would not appear visually cluttered and is considered acceptable.

The nature of the signs, materials and method of illumination (halo) would appear appropriate for the location and context of the site and would not result in harm to the amenity of the site or location. The proposal is considered acceptable and in compliance with Policy 78 of the Local Plan and the NPPF.

### Highway and Pedestrian Safety

In regard to public safety, HCC as the Highway Authority and National Highways have confirmed they have no objection. The signs would not obstruct the highway, cause distraction to drivers or obstruct the free flow and safety of pedestrian and in this respect, subject to a condition in regard to illumination levels, the development is in compliance with Policy 78 of the St Albans District Local Plan Review 1994 and the NPPF.

### **Comment on Town / Parish Council / District Councillor / Concern(s):**

N/A

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## **REASONS FOR GRANT/REFUSAL**

### **To include justification for recommendation and relevant development plan policies**

The proposed advertisement display is considered acceptable. It will have no detrimental impact on visual amenity nor on highway safety. The proposal is in accordance with Policy 78 (Advertisement Control) 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 conditions      **Decision Code:**

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### **Conditions/Reasons**

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

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

**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.**

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

**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.**

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

**4. 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.**

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

**5. 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.**

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

**6. 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).**

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

**7. Prior to the first use of the development hereby permitted 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'.**

**To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 78 of the St Albans District Local Plan Review 1994.**

#### **Informative(s):**

1. This determination was based on the following drawings and information: Site location plan, block plan, 1 Rev A, 000/01, Planning Statement.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

3. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

4. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

5. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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**PLAN NO'S:**

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

**Officer**                      **Jacqui Ansell**

**Section 65 Parties**

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

**Author:**                      Jacqui Ansell

**Date:**                      25/04/2025

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