

PD12502/JWB/ZB/HB
**F.A.O. David Lamb**East Herts District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Planning Portal Ref: PP-12869610

13 March 2024

Dear Mr Lamb,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
HERTFORD THEATRE, THE WASH, HERTFORD, SG14 1PS
PLANNING APPLICATION FOR ADVERTISEMENT CONSENT**

We write on behalf of the Applicant, East Herts District Council ("The Applicant"), in respect of Hertford Theatre, The Wash, Hertford, SG14 1PS ("The Site"), with an application ("this Application") for an advertisement consent (Planning Portal Ref. PP-12869610).

This application should be read in conjunction with the information submitted in support to accompany the discharge of Condition 12 (External Signage) attached to Planning Permission (3/20/2285/FUL).

This Application comes forward in line with the legal requirement Under Paragraph (2) of the Town and County Planning Act 1990 Control of Advertisements Regulations 2007 that no advertisement may be displayed unless consent has been granted.

This covering letter outlines how the Application accords with both national and local legislation in respect to Advertisement Consents and should be read in conjunction with the supporting information and drawings.

BACKGROUND

As originally approved, the planning permission for the Hertford Theatre improvements included a series of illuminated poster display boards on the building façade to advertise current and forthcoming productions, community notices, and so forth. This is a core requirement of theatres to ensure that patrons are aware of activities taking place. In addition to this, illuminated signage was approved to the northern elevation above the front doors. The theatre has gone through a process of re-branding since planning and as a result the signage wording has changed. The principle of signage above these doors has always been accepted, and therefore the proposed signage is in line with the approved scheme.

Given the number of different activities that are due to take place in the building on any given day, it is difficult to keep such information up to date and relevant within the limited area of the poster boxes. Therefore a Non-Material Amendment (“S96a”) was approved on 8 June 2023 (ref.3/23/0578/NMA) which brought forward various changes to the theatre façade, including the introduction of integrated internally illuminated digital screens to the Northern Elevation of the theatre to replace the previously approved externally illuminated poster boxes.

These digital screens allows for information to be updated throughout the day to reflect cinema screenings, performances, community hires and forthcoming events without the expense of printing posters or physically having to change displays.

This is a common approach for modern theatres and is an important part of the marketing and management strategy for the building.

This Application for an Advertisement Consent accompanies an application for the discharge of Condition 12 (External Signage) attached to Planning Permission ref. 3/20/2285/FUL granted on 10 June 2021. The wording of Condition 12 is outlined below:

“Notwithstanding the approved drawings full details of all external signage on and around the building hereby approved shall be submitted to and agreed in writing by the Local planning Authority prior to installation, Reason: to ensure appropriate integration and to maintain the character and visual amenity of the Conservation Area and the historic environment in accordance with policy HA4 of the District Plan”.

PROPOSED SIGNAGE AND SCREENS

This Application therefore seeks Advertisement Consent for the introduction of three integrated internally illuminated digital screens and illuminated signage to the north elevation, as approved under NMA ref.3/23/0578/NMA and as shown in the discharge of Condition 12 (External Signage) attached to Full Planning Permission ref. 3/20/2285/FUL. The location of the signage is provided within the elevational drawings submitted as part of this Application.

The specification for the proposed external signage is also submitted as part of this submission, which includes signage details relating to materials, dimensions, and display specifications. The digital screens are to display information related to the activities taking place in the Theatre and will not be used for general advertising purposes, showing static images of events and activities relevant to the shows, films and food/beverage offers in the theatre. It is expected that this will be a condition of any advertisement consent issued by the Council.

PLANNING POLICY GUIDANCE AND LEGISLATION

The assessment of the proposed signage has been prepared taking into account the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as well as the relevant material policies contained within the:

National Planning Policy Framework (2023)

East Hertfordshire District Local Plan (2018)

Under **Paragraph 3(1)** of the 2007 Regulations, advertisement controls are only exercisable in terms of amenity and public safety.

Paragraph 141 of the NPPF advocates well designed and sited advertisements to maintain the quality and character of places. A separate consent process within the planning systems controls the display of advertisements, which should be operated in a way which is simple, efficient, and effective. Advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts.

East Hertfordshire District Local Plan (2018) **Policy DES6** (Advertisements and Signs) sets out the requirements for signage and advertisements stating that the following must be adhered to:

- i) The number, size, siting, illumination, design, colour and materials of advertisements or signs, displayed on or close to a building must respect the character and appearance of the environment, and the design, scale, features, function and setting of the building.
- ii) Advertisements should avoid harm to amenity and public safety.
- iii) The display of advertisements of an inappropriate size, siting, illumination, design, colour and materials, will not be permitted.

East Hertfordshire District Local Plan (2018) **Policy DES4** (Design of Development) sets out that proposals should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.

ASSESSMENT

Principle of Digital Screens and Illuminated Signage

The principle of installing digital screens and illuminated signage on the building has been established through the extant planning permission as they have been identified and approved. Information has been provided under Condition 12 on detailed design matters of the screens and signage. This assessment focuses on the advertisements to be displayed on the screens.

Public Safety

Under Paragraph 3 (2b) the regulations state that public safety issues are referred to within the Regulations as the consideration of the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome. This is echoed by Policy DES6 which states that advertisements should avoid harm to amenity and public safety.

The screens and signage are to be positioned on the Northern Elevation of the theatre, fronting the B158 public highway. The theatre is set back from this road, and therefore it is considered that there would be limited impact upon the safety of the highway users from advertisements being displayed on these screens.

In addition to this, the integrated internally illuminated digital screens will show static images that will transition every 5 minutes, with the transition time being circa 5 seconds long. The external screens will also deliver a short animated i-dent of no more than 5-10 seconds. As such, it is not expected for the screens to provide any driver distraction. In addition, despite the screens being functional 24 hours a day, from midnight to 6am, the holding image will be static and will only display a theatre promotion programme. This will also reduce the chance of driver distraction.

The brightness of the illuminate digital screens will operate within ILE guidelines and the brightness will not exceed 600 candelas, whilst the illuminated signage will demonstrate an internal illuminance of 750 lumens / 250cdm².

The proposals would therefore not affect public safety and nor would they obscure or hinder the interpretation of any traffic sign, signal or aid. This is in accordance with the 2007 Regulations. In addition, the proposals will comply with part ii) of Policy DES6.

Amenity

The Regulations note that factors relevant to the consideration on amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This is echoed by Policy DES6 which states that advertisements should avoid harm to amenity, and Policy DES4 notes that proposals should not have significant detrimental impacts on the amenity of occupiers of neighbouring properties.

The theatre is within a town centre location and is surrounded by town centre uses including pubs and shops. There are residential dwellings from first floor up above some of the town centre shops although these are at least 20 metres away at the shortest point. Illumination is proposed through LED screens and illuminated signage although, as outlined above, the illuminance levels are considered to be appropriate and would not impact upon the amenity of those residents, particularly given the level of lighting already present along The Wash and from vehicles.

Heritage Impact

The theatre is located within Hertford Conservation Area and therefore there are a number of relevant local and national planning policies that need to be considered.

A strategic policy of the NPPF is to conserve and enhance the historic environment. Paragraph 195 describes heritage assets as:

“...irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

Paragraph 203 of the NPPF states that applicants should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) *“The desirability of sustaining and enhancing the significant of heritage assets and putting them to viable uses consist with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 205 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Further to this point, **Paragraph 207** of the NPPF states that any harm the following will apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 212 of the NPPF states Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

East Hertfordshire District Local Plan **Policy HA1** (Designated Heritage Assets) outlines the policy requirements of what development proposals should consider when a development impacts existing heritage assets:

- i) Development proposals should preserve and where appropriate enhance the historic environment of East Hertfordshire
- ii) Development proposals that would lead to substantial harm to the significance of a designated heritage assets will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposals.
- iii) Where there is evidence of neglect, or damage to, a heritage asset, the deteriorated state of the heritage asset will not be taken into account in any decision.
- iv) The council will, as part of a positive strategy, pursue opportunities for the conservation and enjoyment of the historic environment recognising its role and contribution in achieving sustainable development.

East Hertfordshire District Local Plan **Policy HA4** (Conservation Areas) outlines the policy requirements of what development proposals should consider when a development proposal sits within a Conservation Area. Proposals will be expected to:

- a) Respect established boundary lines, layouts, patterns;
- b) Use materials and adopt design details which reinforce local character and are traditional in an area;
- c) Be of a scale, proportion, form, height, design and overall character that accords with and complements the surrounding area;
- d) In the case of alterations and extensions, be complementary and sympathetic to the parent building;
- e) Have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces; and
- f) Where development proposals relate to Conservation Area Management Proposals the duty to preserve or enhance will be applied.

Finally, East Hertfordshire District Local Plan **Policy HA6** (Advertisements in Conservation Areas) outlines the Council will only accept advertisements where they:

- a) Are either painted or individually lettered in a suitable material of a proportionate size and design in relation to the building or fascia upon which they are to be displayed.
- b) Are preferably non-illuminated or does not contribute to an escalation of shopfront lighting along the street scene. Where illumination is proposed it should be external illumination which is discreet in size and of a minimum level. Internal illumination of shop signage will not be permitted.
- c) Are of a traditional fascia or hanging type; and
- d) Are of a traditional and appropriate size to the architecture of the host building.

The three screens and illuminated signage provide moderate additions to the theatre building, and would be concentrated to the northern elevation, facing away from the Hertford Castle Motte (a Scheduled Ancient Monument), which sits to the south of the theatre, and will face away from the Grade II Listed Hertford Castle Gates, which sit to the east of the theatre. As a result, the signage will be positioned away from this protected asset and therefore the signage is not considered to have an impact upon the setting of other listed buildings.

In terms of compliance with Policy HA6, although the scheme departs from this policy, the wording of this policy is written for advertisements on shopfronts and this is a bespoke theatre building which requires specific type of advertisements. In addition, the information shown on the screens has to change on a regular basis, and therefore digital screens instead of poster boxes were seen as a good solution to overcome the regularity of information changes, and the range of information that needs to be displayed. The screens would provide static images of events and activities relevant to the shows, films and food/beverage offers in the new theatre.

Overall, the character of the Hertford Conservation Area would not be impacted, the wider theatre regeneration project positively enhances the conservation area and the proposed signage is befitting of the theatre uses.

The proposed signage complies with the relevant national and local planning policies and the Advertisement Regulations insofar that it would not adversely impact the site's setting within a conservation area. The screens would be of a proportionate scale, form and size to not have an adverse impact on the surrounding area.

CONCLUSIONS

The proposed signage complies with the relevant planning policies and the Advertisement Regulations insofar that it would not adversely affect amenity and would have no impact on public safety.

APPLICATION DOCUMENTATION

The Application comprises the following documentation:

1. Application Covering Letter, prepared by Montagu Evans;
2. Application Form, prepared by Montagu Evans;
3. Site Location Plan, prepared by Bennetts Associates;
4. Northern Elevation Plan, prepared by Bennetts Associates;
5. Screen Measurements and Materials Part 1;
6. Screen Measurements and Materials Part 2;
7. Screen Measurements and Materials Part 3;
8. Screen Specification;
9. Illuminated Signage Elevation North;
10. Entrance Signage Measurements and Materials Part 1; and
11. Entrance Signage Measurements and Materials Part 2.

APPLICATION PROCEDURE

This Application for Advertisement Consent has been submitted and paid for via the Planning Portal. We trust the information provided is sufficient and look forward to confirmation the application has been validated. If you require any further information, please do not hesitate to contact either [REDACTED]

[Redacted]

Yours faithfully,

[Redacted]

MONTAGU EVANS LLP

