

Meeting: Planning and Development Committee **Agenda Item:**
Date: 8 December 2020
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Application Nos:	20/00538/AD
Location:	Weston Road Cemetery, Weston Road, Stevenage, Herts.
Proposal:	Erection of 1 no. 6m high flagpole.
Drawing Nos.:	'Location of Flag' and 'Flag Details'.
Applicant:	Stevenage Borough Council
Date Valid:	29 September 2020
Recommendation:	GRANT ADVERTISEMENT CONSENT



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Weston Road. To the south is the churchyard of St. Nicholas Church, to the north are residential dwellings of Rooks Nest Farm, to the east is the highway of Weston Road with residential dwellings beyond, and to the west is open space known locally as Forster Country. The site is located in the Green Belt as well as the St. Nicholas and Rectory Lane Conservation Area.
- 1.2 Within the site itself are two small car parks, one each to the north and south of the access point whilst the main chapel building is sited opposite the access in the centre of the site. Just to the north of the access to the site is a substantial fir tree and the site is bounded along its eastern boundary with Weston Road by brick walling.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 10/00517/FPM for a cemetery extension including change of use of land from agricultural to cemetery. Granted permission on 11.02.2011.
- 2.2 Planning application 11/00091/COND for the discharge of Conditions 3 (Samples of Materials); 10 (Boundary Treatments); 13 (Construction Vehicles); 14 (Wheel Washing); and 19 (Site Investigation) attached to planning permission reference number 10/00355/FPM. Discharged on 18.04.2011.
- 2.3 Planning application 11/00443/COND for the discharge of conditions 3 (landscaping) and 7 (groundwater) attached to planning permission reference 10/00517/FPM. Discharged on 27.09.2011.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks advertisement consent for the proposed erection of 1 no. 6m high flag pole. The flag pole would be constructed from fibreglass with a hinged base plate. The proposed flag would be cloth with white lettering on a green background. The flag would measure 90cm in height by 180cm in width with the maximum height of the lettering being 40cm. The flag would read "Green Flag Award" and include the green flag symbol of two figures and a tree.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the erection of a site notice. At the time of drafting the report, no comments or representations had been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 This application for a new flag pole in the grounds of a cemetery is acceptable from a highways context provided the pole is located in a position to prevent the flag (when out full) overhanging the public highway.
- 5.1.2 The sign is proposed adjacent to a public highway. Given that the flag is set back from the public highway it is considered that the proposal would not affect drivers along the adjacent highway and as such the flag would not be a significant highway safety issue. The flag is set at a sufficient height for the head clearance of pedestrians consequently the proposal is considered acceptable in highway terms.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. At the time the revised NPPF was published, the Stevenage Local Plan was subject to a Holding Direction by the Secretary of State following an Examination in Public in 2017. On 25 March 2019 the Secretary of State withdrew the Holding Direction on the understanding that the Council would adopt it as part of the Development Plan. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan be considered up to date for the purpose of determining planning applications.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

Policy SP8: Good Design;
Policy SP10: Green Belt
Policy SP12: Green Infrastructure and the Natural Environment
Policy SP13: The Historic Environment
Policy GD1: High Quality Design;
Policy GB1: Green Belt
Policy NH3: Green Corridors.
Policy NH10: Conservation Areas

6.4 Supplementary Planning Documents

St. Nicholas and Rectory Lane Conservation Area Management Plan SPD (2012)

7 APPRAISAL

7.1 Paragraph 132 of the NPPF states that "...advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts". Therefore, the main issues for consideration in the determination of this application are the effects of the proposal on the visual amenities of the conservation area, Green Belt and also public safety.

7.2 Impact on the Green Belt, Conservation Area and Green Corridor

7.2.1 The NPPF (2019) advises that in relation to the impact of an advertisement on visual amenity, the quality and character of places can suffer when advertisements are poorly sited and designed.

7.2.2 It is recognised that the proposed flagpole and associated flag is to be located in Weston Road Cemetery, where there are currently no adverts or signage of this type. However, the flagpole and associated flag relate specifically to the cemetery in which it is located, promoting the fact that the cemetery has won an award and, as such, is considered to be an appropriate feature. It is not considered that the proposal would appear unduly incongruous in this setting.

7.2.3 The site is located within the St. Nicholas Conservation Area and the Green Belt. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt and that "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 The proposed flagpole would be the sole flagpole on the site and would be relatively minor in terms of the size of the flag itself and the muted tone of the colouring and design. Given this, it is considered that the proposed flagpole would have a less than substantial harmful impact on the Green Belt and would not compromise it. Further, as the flag would be promoting the cemetery's Green Flag status as a well-managed green space which helps to promote the importance of this site, it is considered that the very special circumstances criteria has been met and the development is therefore not inappropriate development in the Green Belt. Further to this, the slim line nature of the pole combined with it setting against the backdrop of the cemetery building and street lighting, would ensure the proposal has a very limited impact on the openness of the Green Belt.

7.2.5 Turning to the impact on the conservation area, Paragraph 196 of the NPPF states that where developments will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.2.6 As stated in paragraph 7.2.4, the flag will be promoting the cemeteries Green Flag status which is awarded to parks and green spaces that are well managed and is an international benchmark in excellence and civic and community achievements. Furthermore, due to its location at the edge of a car park with its overall setting against the backdrop of existing buildings and street lighting, the proposal would generate limited harm to the setting of the conservation area. In this regard, it is considered that the benefits of promoting the status of the site would outweigh any harm that may result from the siting of the flagpole.

7.2.7 Weston Road is protected under policy NH3 (Green Corridors) of the adopted Local Plan (2019). This policy seeks to protect green corridors as a means of linking and connecting the Town's open spaces as well as facilitating movement by pedestrians

and cyclists. Weston Road is bounded on both sides along its length with extensive and mature hedgerows except for a break for the access to the cemetery. The siting of the flagpole, within a small grassed area inside the grounds of the cemetery is not considered to compromise the use of the adjacent highway in its function to provide movement by pedestrians and cyclists. Nor will it involve the loss or destruction of any part of the hedgerow along Weston Road. The flagpole will provide a positive contribution to the site by way of improvements to the advertisement of the Green Flag status of the cemetery.

7.2.8 Given the aforementioned comments, it is considered that the proposed flagpole and associated flag would have less than substantial harm on the Green Belt and Conservation Area and would therefore preserve their settings. Further, it would not compromise the Green Corridor and as such, it is not considered to have a detrimental impact on the visual amenities of the surrounding area.

7.3 Public safety

7.3.1 In terms of assessing the impact upon public safety, regard needs to be given to the effect of an advertisement upon the safe use and operation of any form of traffic or transport on land (including pedestrians). With regard to pedestrians, the flag pole would be located just inside the access to the site on a small area of grass adjacent to the southern car park. There are no pedestrian footpaths across the area of land in question and it would be sited sufficient distance from the adjacent car park so as not to interfere with safe pedestrian and vehicle movements within and around the car park. Consequently, the proposal would not impede on pedestrians in anyway. Additionally, the flag pole is 6m in height and as such, would not result in any safety issues for pedestrians.

7.3.2 Given the proximity of Weston Road, Hertfordshire County Council as Highway Authority has been consulted. The Highway Authority, do not consider the proposal to have an impact on Weston Road. As the flag pole is sited sufficient distance from this adjacent highway, and given the size of the flag, when it is open in full it would not overhang the highway. Consequently, the proposal is considered acceptable in highway terms.

8 CONCLUSIONS

8.1 In conclusion, it is considered that the signage proposed would not have an adverse effect on the visual amenity of Weston Road Cemetery, the St. Nicholas Conservation Area or the Green Belt, and would acceptably promote the fact that the cemetery has been awarded Green Flag status, nor would it compromise the Green Corridor. Additionally, the signage would not present a safety risk to members of the public.

9 RECOMMENDATIONS

9.1 That ADVERTISEMENT CONSENT BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
'Location of Flag' and 'Flag Details'

REASON:- For the avoidance of doubt and in the interests of proper planning.

2. This consent shall be for a limited period only, expiring five years after the date of this notice and on or before that date the advertisements shall be removed and the buildings/land restored to its former condition.

REASON:- To comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. (A) 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 entitles to grant permission.

(B) No advertisement shall be sited or displayed so as to:-

- i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- iii) Hinder the operation of any device used for the purpose of security of surveillance or for measuring speed of any vehicle.

(C) 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.

(D) 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.

(E) 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:- In accordance with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.