



# The Planning Inspectorate

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Your Ref: ABL/vnj 21.6

Our Ref: <b>PLANNING DEPARTMENT</b> <b>APP/A1910/H/95/0949</b> <b>DACORUM BOROUGH COUNCIL</b>	
Ref:	ACK
Date:	<b>10 JAN 1996</b>
File:	
<b>11 JAN 1996</b>	
Comments	

Dear Sirs

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992**  
**APPEAL: JARMAN FIELDS, ST. ALBANS ROAD, HEMEL HEMPSTEAD**  
**APPLICATION NO: 4/0092/95**

1. I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, Tesco Stores Limited, against Dacorum Borough Council's refusal to permit the display at the above-mentioned site, of two internally-illuminated gantry signs, each measuring 2.2m x 6.0m.
2. Consideration has now been given to the submitted evidence and the report of the Secretary of State's officer, Mr D B Leeming, who heard the representations of the parties and inspected the site. Third party representations have also been taken into account.
3. Mr Leeming stated his conclusions in paragraphs 29 to 32 of his report, a copy of which is enclosed. For the reasons given in his conclusions, he recommended that the appeal be dismissed.
4. The Secretary of State accepts his officer's conclusions and recommendation for the reasons given in the report. Accordingly, he dismisses the appeal.

Yours faithfully

A C SNOOK  
Authorised by the Secretary of State  
to sign in that behalf

Tollgate House  
Houlton Street  
Bristol  
BS2 9DJ

1 December 1995

To the Right Honourable John Gummer MP  
Secretary of State for the Environment

Sir

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992  
APPEAL BY TESCO STORES LIMITED IN RESPECT OF LAND AT  
JARMAN FIELDS, ST. ALBANS ROAD, HEMEL HEMPSTEAD**

1. I have the honour to report that on 1 November 1995, I heard representations at the Bulbourn Room, Civic Centre, Hemel Hempstead, regarding an appeal by Tesco Stores Limited, made under Regulation 15, against the refusal of Dacorum Borough Council to grant express consent for the display, at the above site, of two internally-illuminated gantry signs.

**THE APPLICATION**

2. Tesco Stores Limited submitted an application, dated 27 January 1995, for the display of two identical internally-illuminated gantry signs, each measuring 6m in height by 2.2m in width. The upper section of the signs would contain red lettering below some blue vertically-aligned stripes, on a white background. The rest would predominantly contain white lettering, providing information about opening hours and petrol prices, on a blue background. Illumination would be confined to the text.

**THE REFUSAL**

3. Dacorum Borough Council refused consent for the proposed display on 20 April 1995 for the following reasons:-

"1. Sign 1B is sufficiently close to the roundabout to be a dangerous distraction to drivers negotiating the roundabout and is likely to give rise to conditions prejudicial to highway safety.

2. Sign 1C would be a distraction to drivers approaching the roundabout from a westerly direction at a time when their attention should be on vehicles slowing and negotiating the roundabout. This is likely to give rise to conditions prejudicial to highway safety.

3. The application site is adjacent to a principal route into Hemel Hempstead with residential properties on its northern side, and the proposed signs represent an overabundance of signage on this site, giving rise to a cluttered appearance to the detriment of the visual amenity of its locality".

## **THE APPEAL**

4. The appellant's grounds of appeal are as set out in the official form submitted to the Inspectorate on 21 June 1995.

## **THE SITE AND SURROUNDING AREA**

5. The site comprises a modern-style retail store with large glazed areas set beneath a canopy-covered walkway. The store is set well back from the St. Albans Road behind a large surface car park with landscaping along the frontage. There is a petrol-filling station with a canopy-covered fuel dispensing area at the east side of the frontage.

6. The site forms part of a larger area of recent commercial development of formerly open land on the south side of St. Albans Road. This includes, on adjacent land to the east, a leisure centre, restaurants and a site for a proposed hotel.

7. Extending along and back from the north side of St. Albans Road is a residential area.

8. Access to the store and the other commercial premises is by a dual carriageway road, known as Jarman Way, from a roundabout on St. Albans Road. St. Albans Road is part of the A414 and is the main road linking Hemel Hempstead town centre (to the west) with the M1 Motorway (to the east). It has dual carriageways and a speed limit of 40mph. Both roads are lit by street lamps and there are tall lighting columns within the Tesco store car park. The approach to the roundabout from the west has a generally straight, gently ascending and then level alignment. There are white-painted lane markings, repeated three times, indicating that traffic for Jarman Fields should use the offside lane. In addition, there are road signs including a large directional sign, just to the west of a footbridge over the road, directing drivers to the superstore access road. In the level and gently curving approach from the east, a sign is positioned about 200m from the roundabout providing a first indication of a left-turning lane. A second sign, closer to the roundabout, denotes that this lane, which is indicated by a left-pointing arrow, is for Jarmans Park and the superstore. Other traffic is directed to the outside lane which, at the roundabout, widens into two lanes.

9. The two appeal signs, identified as signs 1B and 1C on submitted drawing 2086/P020A, are intended as additional displays to two other identical signs, identified on the drawing as signs 1A and 40. The latter signs have been granted express consent by the Council. Sign 1B would be located on the west side of Jarman Way about 30m to the south of the roundabout within part of the landscaped frontage area, at right-angles to the road, to the south-east of the petrol-filling station. Sign 1C would be positioned on the frontage to St. Albans Road, at right-angles to it, within part of the landscaping just to the north of an internal mini-roundabout to the north-west of the access to the petrol-filling station, about 70m from the junction.

10. The approved sign 1A is positioned alongside the vehicular entrance to the store from Jarman Way. Sign 40 is just to the south-east of the internal roundabout, alongside the access to the petrol-filling station. In addition to these signs, two identical internally-illuminated gantry signs have been granted consent by the Council to serve as composite displays for the commercial development. One of these is positioned on the store frontage, directly to the north-east of the petrol-filling station where it faces towards the roundabout junction of St. Albans Road with Jarman Way. The other sign is on the opposite side of the junction where it faces north-west across the roundabout from the frontage of the hotel site.

## **THE CASE FOR THE APPELLANTS**

### **The main points were:-**

11. The purpose of the signs was to display clear information, to drivers on the main road, about the store's opening hours and the price of fuel. They were not intended to be advertisements.

12. Such signs were almost inevitably located at road junctions. They were commonplace and expected by motorists in the vicinity of a petrol-filling station.

13. The prominence and clarity of the signs would be such that they would be readily appreciated by motorists without undue concentration. The mere fact of their visibility from the main road would not make them a distraction. On the contrary, they would facilitate early decision making and assist in the reduction of unnecessary vehicle movements by motorists who would otherwise have to enter the site to ascertain the information displayed on them.

14. The proposed signs together with others on the site would be distributed in such a manner that an appearance of clutter would be avoided, with no grouping of signs at any particular point on the site.

15. The extensive nature and prominent location of the site was such that a greater number of signs than might be necessary elsewhere were appropriate in this case. They would therefore not create a proliferation of signage.

16. The design and detailing of the signs was consistent with the style adopted within the remainder of the site.

17. The signs would be consistent with the Council's advertisement control policies and guidelines, as evidenced by numerous other examples of their type within Hemel Hempstead. In fact, Tesco was the only petrol-filling station which did not display prices on its frontage.

18. The signs would be viewed on the frontage of a large, well-lit commercial site. They would be observed at oblique angles and as relatively distant features from residential properties to the north. They would not be intrusive or detrimental to visual amenity, appearing as a small element consistent with the approved signs and with the development of the site as a whole.

## **THE CASE FOR THE LOCAL PLANNING AUTHORITY**

### **The main points were:-**

19. On public safety, both signs would be sited outside the natural eye line of drivers approaching the roundabout. Consequently, there was a strong possibility that drivers approaching from the east would look to their left to read sign 1B while their attention should be on traffic to their right. Likewise, drivers approaching the roundabout from the west would look to their right at a time when they should be concentrating on vehicles in front which could be braking and changing lanes.

20. The roundabout junction was not a typical one particularly in the approach from the east where there was a dedicated lane for Jarman Fields and evidence of poor lane discipline by drivers in the approaches to the junction.

21. The petrol-filling station was clearly visible from the main road. Tesco were well known for cheap petrol and there was no particular need for drivers to look at petrol prices from the main road.

22. On amenity, the Council drew attention to their advertisement control policies and guidelines. The essence of the Council's case was that there was already ample advertising so that the passing motorist could be in no doubt that this was a Tesco store and petrol-filling station. The proposed signs would give rise to a proliferation or excess of signage on the site and, in the case of sign 1B, a cluttered appearance in close association with the composite sign by the petrol-filling station. The presence of four identical signs plus the composite sign, would be more than was required in terms of commercial advertising and would have a significant detrimental effect in views along the main road and for local residents.

23. Although the site was part of a significant commercial development, the Council had sought to achieve a high standard of design and appearance for the site alongside a main road which had an attractive landscaped character generally and where the amount of advertising was small. The landscaping on the site frontage was intended, in part, to mitigate the effect of the major development in the outlook of local residents; a proliferation of advertising would detract from this.

24. Jarman Way was openly accessible to the public, albeit not adopted as public highway. Potential customers were at liberty to drive around it and would be able to identify the price of fuel from the existing sign 1A at the entrance before entering the Tesco site.

### **REPRESENTATIONS BY INTERESTED THIRD PARTIES**

25. Both the third parties present, Mr Read and Mr Ings, spoke in support of the local planning authority.

#### **The main points were:-**

26. Mr Read said that the signs were unnecessary. They were not part of the original proposals for the store. Residents were assured at the time of the local inquiry into the planning application for the store that the site frontage would be landscaped and no signs would be put up there. The signs would be a danger to drivers for the reasons stated by the highways authority.

27. Mr Ings referred to a petition which had been organised complaining of the noise and illumination coming from the site. He said there were far too many signs now and Tesco should have thought for local residents, such as himself, who now faced a site with illumination on for 24 hours a day whereas previously there were views of green fields.

### **FINDINGS OF FACT**

28. I find the facts contained in paragraphs 2 and 5 to 10 of this report.

### **CONCLUSIONS**

29. The Council have drawn attention to their advertisement control policies and guidelines which I have taken into account as a material consideration in determining this appeal. However, as the Regulations require the local planning authority, and the Secretary of State on appeal, to exercise their powers only in the interests of "amenity" and, where applicable, "public safety", taking account of any material factors, I consider that the Council's policies and guidelines should not, by themselves, be decisive.

30. On the issue of public safety, drivers have good forward visibility of the roundabout and are directed, by the various advance signs and road markings, to the appropriate lanes on the dual carriageway for forward travel beyond the roundabout, well in advance of the junction. The immediate approaches to the junction therefore appear to offer no unusual traffic hazards. The appeal signs would not be unusual features, but typical of those found on the frontages of petrol-filling stations throughout the country. Although the signs would require drivers to divert their eye to see them, I nevertheless consider that they would be readily able to assimilate the information on the signs without unduly averting their attention. I consider that the presence of the signs would therefore, be unlikely to be so distracting as to create a hazard to drivers in the vicinity, who were taking reasonable care. I conclude, therefore, that the display of the signs would not be against the interests of public safety.

31. On the other hand, as regards amenity, both signs would occupy exposed positions on the boundary of the site, particularly sign 1C which would be sited well forward of the store and to the north-west of the petrol-filling station. They would, at 6m in height, each be substantial freestanding features. Whilst sited away from direct views of the other freestanding gantry signs, sign 1B would nevertheless have a fairly close position to the composite sign adjoining the petrol-filling station, and sign 1C would be only a short distance to the north-west of the identical sign 40, across the mini-roundabout within the site. I consider that the additional appeal signs would give rise to an impression of advertisement excess on the forward part of the site, which would detract from its appearance, and in particular, from the softening effects of the landscaping along the site boundary.

32. I note the appellant's desire to provide information to users on the main road of the opening hours and fuel prices, and their suggestion that the signs would be in the interests of road safety by preventing additional and unnecessary traffic movements along the access road. Nevertheless, the petrol-filling station and store are readily visible from the road; I consider that the absence of the signs could not reasonably be a contributory factor to a road hazard for drivers exercising a proper standard of care when using Jarman Way, to view either of the existing approved signs 1A and 40. I conclude, therefore, that their display would be detrimental to the interests of amenity and that there is no overriding public safety requirement for them.

#### **RECOMMENDATION**

33. Bearing in mind the facts contained in paragraphs 2 and 5 to 10 above, I recommend that the appeal be dismissed.

**D B LEEMING**

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0092/95

Tesco Stores Ltd  
Dairyglen House  
116 Crossbrook Street  
Cheshunt  
Waltham Cross  
Herts

G L Hearn & Partners  
Delta House  
175 Borough High Street  
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DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Tesco Stores, Jarman Fields, St Albans Road, Hemel Hempstead, Herts  
2 NO.6M INTERNALLY ILLUMINATED SIGNS

Your application for *advertisement consent* dated 27.01.1995 and received on 30.01.1995 has been *REFUSED*, for the reasons set out on the attached sheet(s).

A handwritten signature in black ink, appearing to read 'Colin Barker', written in a cursive style.

Director of Planning

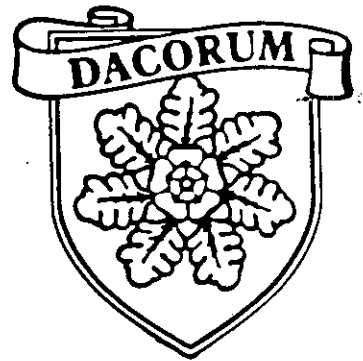
Date of Decision: 20.04.1995

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/0092/95

Date of Decision: 20.04.1995



1. Sign 1B is sufficiently close to the roundabout to be a dangerous distraction to drivers negotiating the roundabout and is likely to give rise to conditions prejudicial to highway safety.
2. Sign 1C would be a distraction to drivers approaching the roundabout from a westerly direction at a time when their attention should be on vehicles slowing and negotiating the roundabout. This is likely to give rise to conditions prejudicial to highway safety.
3. The application site is adjacent to a principal route into Hemel Hempstead with residential properties on its northern side, and the proposed signs represent an overabundance of signage on this site, giving rise to a cluttered appearance to the detriment of the visual amenity of its locality.