

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H04-0066-23      **Applicant:** Mr A Ayhan  
**Proposal:** Installation of externally illuminated fascia sign  
**Location:** Unit 2 Goodacre Buildings Church Street  
**Terminal Date:** 21st March 2023

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

01                      Spatial Strategy  
02                      Development Management  
03                      Design of New Development  
29                      The Historic Environment  
30                      Pollution

#### National Guidance

#### National Planning Policy Framework 2021

12 - Achieving well-designed places  
16 - Conserving and enhancing the historic environment

### Representations:

|                            | Object | Support | No Obj. | Comments |
|----------------------------|--------|---------|---------|----------|
| PARISH COUNCIL             | 0      | 0       | 0       | 0        |
| WARD MEMBER                | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS<br>SUPPORT | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is an advertisement consent application for the Installation of an externally illuminated fascia sign on the front elevation of Unit 2, Goodacre Buildings, Church Street Donington. The signage will

be for a hot food takeaway that was approved under reference H04-0762-22. This hot food takeaway has not opened and the likely use will be a fish and chip shop. The signage lettering will be 300mm high, white and externally illuminated on a sky blue fascia acrylic sign that is 650mm high and 4.2 metres in width. The sign will be located above the entrance door to the business.

## **SITE DESCRIPTION**

The unit is located adjacent to a Co-operative Supermarket in the adjacent unit. This building is located in the defined settlement limits of Donington and north of the Donington Conservation Area. The A52 is located to the north of the site, with the settlement of Northorpe beyond. 42, 43 and 44 Church Street are located to the west of the site as well as the car park serving the units. To the south is a service / delivery area with dwellings in the Donington Conservation Area beyond. To the east of the wall mounted signage is the hot food takeaway at Unit 2.

## **RELEVANT HISTORY**

H04-0762-22

Full - Change of use of Unit 2 to sui generis hot food takeaway - Approved - 22 September 2022

## **CONSULTATION RESPONSES**

Lincolnshire County Council - Highways & SUDS Officer

*"The proposed advertisement sign on the gable end of these premises would have no material impact upon highway safety and therefore the highway authority does not wish to object to this Application."*

## **PLANNING CONSIDERATIONS**

Paragraph 136 of the National Planning Policy Framework, 2021

This paragraph states "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system 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 interests of amenity and public safety, taking account of cumulative impacts."

In accordance with paragraph 136 of the National Planning Policy Framework, 2021, the main issues in this case are amenity and highway/public safety, taking account of cumulative impacts.

### Amenity

The relevant policies in this case are Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 2 sets the expectations that new development should reflect the principles of good design. Policy 3 indicates that development will demonstrate how the following issues, where they are relevant to the proposal, will be secured inter alia, by:

1. creating a sense of place by complementing and enhancing designated and non-designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
3. the landscape character of the location;
6. the lighting of public places;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity.

Policy 30 is also of relevance. It states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
  2. the amenities of the area; or
  3. the natural, historic and built environment;
- by way of:
4. air quality, including fumes and odour;
  5. noise including vibration;
  6. light levels.

The signage lettering will be 300mm high, white and externally illuminated on a sky blue fascia acrylic sign that is 650mm high and 4.2 metres in width. The sign will be located above the entrance door to the business.

The signage is of a size and siting that is not uncommon when compared to the other illuminated business signage.

Because the signage is narrow and not near residential properties there is not considered to be a character or amenity impact from the proposal.

The proposal is therefore in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

#### Highway/Public Safety

The design is not garish and does not impact highway safety when proximity and distraction are considered. The Highway Authority have no objections to the proposal. The signage is set back from the road, and if the nearby access points are used normally, visibility is not materially impacted.

The proposal accords with the South East Lincolnshire Local Plan, 2019 and advice within paragraph 136 of the National Planning Policy Framework, 2021 in terms of highway safety.

#### Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

Unit 2 is located outside of but immediately north of the Donington Conservation Area. When assessed against the relevant criteria the following can be observed:

Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

1. Groups of buildings, existing street patterns, historic building lines and ground surfaces are unimpacted by the signage.
2. Architectural details of the existing buildings are unimpacted by the signage.
3. The signage is not garish and is in keeping with signage found in the conservation area.
4. The signage is at a standard height of 2.9 metres above ground levels and is made from typical modern signage materials.
5. The signage is not immediately visible from large parts of conservation area and the townscape, roofscape, skyline and landscape is unimpacted.
6. No trees will be removed or impacted as a result of this proposal.

This application is considered to accord with SELLP Policy 29.

## **PLANNING BALANCE**

The proposed signage is not garish, is appropriately sited and does not impact on the character of the the building, surrounding area, nor the adjacent Donington Conservation Area. This application is considered to accord with Policies 1, 2, 3, 29, and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 14 of the National Planning Policy Framework, 2021.

## **CONCLUSION**

This application is recommended for approval.

## **Additional Considerations**

### Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.