

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0620-22	Applicant:	Cards & More
Proposal:	Proposed Signage		
Location:	36 - 38 High Street Holbeach Spalding		
Terminal Date:	23rd August 2022		

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

National Guidance**National Planning Policy Framework 2021**

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Advertisement consent is required for a non-illuminated sign advertising "Cards & More", consisting of black lettering on a cream background. It would consist of aluminium composite boarding and would have a length of 3 metres and height of 1.2 metres.

SITE DESCRIPTION

The premises are located on the southern side of High Street and are currently occupied by a greetings card shop. A shop, plus associated car parking, is situated to the east on the corner of Chapel Street and a DIY/hardware store (Hawkins Home Hardware) to the south.

PLANNING HISTORY

No recent planning history

REPRESENTATIONS

Holbeach Parish Council

No objections.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

South Holland Internal Drainage Board

No comments

Public

Objection received (summarised):

The sign in its proposed position will be facing the parking area of a neighbouring shop (no. 40 High St). Concerned that customers will believe that they are entitled to park on this area to access nos. 36-38. Also, unable to erect sign without encroaching on neighbouring property (no. 40).

Information from Applicant (summarised)

The proposed advertisement is mainly our business name and bullet points of what we sell. The reason for this is to stop kids damaging our shop flat roof and setting the alarm off at unreasonable hours.

PLANNING CONSIDERATIONS

In accordance with advice within the National Planning Policy Framework, 2021 the main issue is whether the signage is acceptable on grounds of "amenity" and "public safety", taking account of cumulative impacts.

Amenity/Heritage

The site is located within Holbeach Conservation Area (HCA). Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in respect of proposals in relation to such matters as character and appearance of an area and quality of design. Policy 3 indicates that proposals should complement and enhance designated heritage assets. Policy 29 states that within conservation areas proposals should assess and mitigate against any negative impact the proposal might have on the townscape, and roofscape.

The above policies are in accordance with advice within the Framework. Paragraph 197 states that local planning authorities should take account of the desirability of sustaining and enhancing heritage assets. Paragraph 136 indicates that the quality and character of places can suffer if

advertisements are poorly sited and designed.

The sign would be positioned on a rear flat roof extension and would have a length of 3 metres and height of 1.2 metres. It would be constructed in aluminium composite boarding and would have black lettering on a cream background. The impact of the proposal upon the Holbeach Conservation Area (HCA) is deemed to be unacceptable. This is because the scale, use of non-traditional materials and design of the proposed signage is not in keeping or in any way sympathetic to the HCA.

For the above reasons, it is deemed that the proposal does not preserve or enhance the character or appearance of the HCA and, in fact, is detrimental to it. The proposal is not therefore in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Highway/Public Safety

LCC Highways has been consulted and has indicated that the proposal would not have a significant impact on the public highway. It therefore does not wish to restrict the grant of consent on highway/public safety grounds.

The proposal therefore accords with paragraph 111 of the National Planning Policy Framework, 2021, which indicates that proposals should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

The applicant has stated that one of the reasons for the signage is to stop children/teenagers damaging the shop flat roof and setting the alarm off at unreasonable hours. Whilst sympathetic to the applicant's case it is considered that this matter does not outweigh the concerns raised relating to the signs affect upon the character and appearance of HCA. The applicant could seek advice from the Police Crime Reduction Officer for instance in terms of more acceptable alternatives.

Issues raised by the objector relating to parking and encroachment are a civil matter.

CONCLUSION

For the reasons listed above the application is considered to be in contradiction to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (2021). Whilst the issues raised by the applicant are noted they do not outweigh the concerns raised relating to the sign's affect upon the character and appearance of HCA.

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.

RECOMMENDATION

That the application be refused under delegated powers.

The application was referred to Chairman's Panel on 2 September 2022, where a delegated decision was accepted.