

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0911-24 **Applicant:** ALDI Stores Ltd

Proposal: Proposed double pole internally illuminated double sided box estate sign, wall mounted internally illuminated panel sign, vinyl non-illuminated sign and wall mounted internally illuminated panel sign

Location: Aldi Fleet Street Holbeach

Terminal Date: 31st January 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting Sustainable Transport
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for advertisement consent which includes the following:

Proposed double pole internally illuminated double sided box estate sign, wall mounted internally

illuminated panel sign, vinyl non-illuminated sign and wall mounted internally illuminated panel sign. The applicant has provided a proposed signage plan showing the locations of the above advertisements.

Site Description

The application site is located circa 160 metres from Holbeach District Centre and is well connected by footpaths and cycle lanes. The site benefits from permission to erect food store, previously on this site a boxing academy was located.

History

H09-1057-22 - Demolition of existing buildings and construction of food store (Use Class E) together with car parking, landscaping, and associated works. 15-03-23

Consultation Responses

Highways

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Parish Clerk

Fully support

Environmental Protection

No comments received

Planning Considerations

Evaluation

Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states local planning authorities shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

The adopted South-East Lincolnshire Local Plan 2011-2036 (SELLP), adopted March 2019, is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. In particular paragraph 141 which 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

Amenity

Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the SELLP requires development to comprise good design; identifying issues that should

be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings

Planning practice guidance confirms that *In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.*

The proposed scheme of signage is commensurate with the food store it markets. This same scheme of advertisements which are well known are apparent on sister stores within and without the district and so the scheme put forward is in-keeping with the permission granted. In terms of value amenity then the signs are considered acceptable.

PPG makes reference to 'aural' amenity, given that the signage would not create any polluting activities through noise then this is considered acceptable.

On this basis the proposal would accord with SELLP Policies 2 and 3.

Highway Safety

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The application is for a proposed double pole internally illuminated double sided box estate sign, wall mounted internally illuminated panel sign, vinyl non-illuminated sign and wall mounted internally illuminated panel sign. The Highway Authority have confirmed that the proposed signs will not impact the public highway therefore Lincolnshire County Council as highway authority do not wish to object to this application.

Planning Balance

As stated above, Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states local planning authorities shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. The signage would have no significant impact upon highway safety.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 2 and 3 of the SELLP, as well as Paragraph 141 of the National Planning Policy Framework (December 2024). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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.