

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0184-25 **Applicant:** Jenga Real Estate

Proposal: Erection of 3no. internally illuminated fascia signs, 2no. non-illuminated fascia signs and 1no. internally illuminated totem sign

Location: Plot 3 Lincolnshire Gateway Business Park Spalding

Terminal Date: 22nd April 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 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

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

-3no. internally illuminated fascia signs
-2no. non-illuminated fascia signs,

-1no. internally illuminated totem sign

The applicant has provided a package of proposed signage plans showing the elevations and locations of the above advertisements.

Site Description

The application site comprises approximately 0.4 hectares of land to the south of Spalding. The site comprises a vacant plot of land that is being developed (under permission H16-0395-23). The site is part of the wider Lincolnshire Gateway Business Park site granted outline planning permission in 2014 under permission reference H16-0009- 14 and is situated to the west of the existing Applegreen petrol filling station and services built under that permission.

The site itself is bound to the north and west by Barrier Bank Road, to the east by the access road (Goodison Road) into the wider Business Park site and to the south by undeveloped land. Immediately adjacent to this is two new restaurant and takeaway units (KFC and Taco Bell) developed under permission reference H16-0172-21.

The site is located within Flood Zone 1 is not within a Conservation Area and there are no listed buildings in close proximity to the site.

History

H16-0723-24 - Erection of 2 single storey restaurant/cafe units with associated drive thru's (sui generis) and 1 single storey restaurant/cafe unit (Use Class E), 42 car parking spaces, access & landscaping - Approved under H16-0395-23. Modification of Condition 2 to allow amendments to previously approved plans and Modification of Conditions 3, 5, 8 & 9 to allow amendments to the wording relating to landscaping & tree planting, site & floor levels, external lighting & CCTV system. Approved 22.10.24

H16-0395-23 - Erection of 2 single storey restaurant/cafe units with associated drive thru's (sui generis) and 1 single storey restaurant/cafe unit (Use Class E), 42 car parking spaces, access & landscaping. Approved 03-07-23

H16-0009-14 - Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - Approved 10 October 2014

H16-1081-14 - Details of detailed design for the arrangements for the construction management plan (Condition 6 of H16-0009-14) - Approved 20 October 2016

H16-0157-15 - Details of engineering drawings for construction of the access to the B1173 (condition 21 of H16-0009-14) - Approved 27 October 2016

Consultation Responses

Highways

No-objections - The proposal is for the erection of 3no. internally illuminated fascia signs, 2no. non illuminated fascia signs and 1no. internally illuminated totem sign. This is not public highway and the proposed signs will not have any impact on the public highway

Ward Member

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 restaurant it markets. This same scheme of advertisements which are well known are apparent on sister stores within and without the UK (and further afield) 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 mix of illuminated signage on the external face of the building as well as a totem sign a totem sign, which is statically illuminated. 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.