

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0350-23 **Applicant:** HS Health Group Ltd
Proposal: Illuminated Signage - Retrospective
Location: 31b Pinchbeck Road Spalding Lincolnshire
Terminal Date: 19th September 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	1	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application is seeking retrospective planning permission for an illuminated sign at 31b

Pinchbeck Road.

Site Description

The site lies within the settlement boundary of Spalding as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site is a terraced property currently acting as a sports therapy/message clinic along the southern side of Pinchbeck Road, Spalding. The site is located inside the Spalding Conservation Area but is not a listed building. There is a blue entrance door with white and cream wooden windows.

History

H16-0427-23 - Change of use from offices to sports therapy/message clinic - Approved

Consultation Responses

South Holland District Council Conservation Officer

'I write to confirm that I have objections to this proposal upon conservation grounds.

Policy 29, Section B of the South East Lincolnshire Local Plan (2019) (SELLP) states that proposals within the conservation area shall only be supported where they:

"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;"

The bulky, extruding design of the proposed signage, which utilises an entirely plastic construction would clearly not meet the standards set forth under Section B, Subsection 4 of Policy 29 above, which requires proposals to reinforce local distinctiveness with reference to both form and materials. The protruding nature of the sign is incongruous in appearance, and plastic signage, whilst present in some minor form in nearby areas is not considered to be a vernacular material appropriate for use within the historic environment.

Furthermore, internally illuminated signage is not considered to be acceptable in a conservation area setting unless under exceptional circumstances, no such properties within the conservation area exist within visual range of the site and therefore, it cannot be said that internal illumination has become a standard in this setting. It is concluded, therefore, that the proposal to utilise internal illumination over external illumination is unacceptable as, it would have a significantly harmful impact upon the streetscape and townscape in the immediate, conservation area setting - as is specifically guarded against under Section B, Subsection 5 (above) of Policy 29 of the SELLP.

Therefore, I recommend that the case officer refuses this application on the grounds of a conflict with Policy 29 of the SELLP as outlined above'

Lincolnshire County Council Highways

No objection - it has no potential impact upon highway safety.

South Holland District Council Environmental Protection

No comments.

Historic Places Team Lincolnshire County Council

No comment.

Key Planning Considerations

The main issues and considerations in this case are (but not limited to) -

- Layout, Design, Size and Scale
- Impacts Upon Resident Amenity

- Heritage
- Highway Safety

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The height of the fence is 0.5, the width is 2.05m and the depth is 0.85m. The height from ground to base is 2.5m and the maximum it projects from the face of the building is 0.85m. The maximum height of any of the letters is 0.25cm. The materials used on the sign is composite aluminium and it features white text on a blue background. The advertisement will be internally illuminated. In the immediate area of Pinchbeck Road there are no illuminated signs be it internally or externally and therefore this sign will appear at odds with the area and therefore impact the locality and character.

Therefore this sign goes against Policies 2 & 3 of the SELLP and Section 12 of the NPPF in terms of its design and therefore it appears unsympathetic with the area.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed illuminated sign would have minimal impact on resident amenity. There are a row of terraced properties opposite the development site that could face some impact however as the sign is internally illuminated the effects will be minimal and therefore shouldn't effect the residents drastically. Naturally, due to the nature of the development there would be no concerns regarding overshadowing or overlooking. There are a variety of signs along the southern part of Pinchbeck Road and therefore a new advertisement sign wouldn't appear overbearing.

The proposal is therefore in accordance with Policies 2 & 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework in terms of impacts upon resident amenity.

Heritage

A consultation response from the Conservation Officer outlined that the proposal goes against Policy 29 of the SELLP and should therefore be refused on these grounds.

The objection is as follows -

"Policy 29, Section B of the South East Lincolnshire Local Plan (2019) (SELLP) states that

proposals within the conservation area shall only be supported where they:

"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;"

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Furthermore, internally illuminated signage is not considered to be acceptable in a conservation area setting unless under exceptional circumstances, no such properties within the conservation area exist within visual range of the site and therefore, it cannot be said that internal illumination has become a standard in this setting. It is concluded, therefore, that the proposal to utilise internal illumination over external illumination is unacceptable as, it would have a significantly harmful impact upon the streetscape and townscape in the immediate, conservation area setting - as is specifically guarded against under Section B, Subsection 5 (above) of Policy 29 of the SELLP.

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As the proposal directly goes against the sections mentioned in Policy 29 of the SELLP and fails to conserve or enhance the historic environment and Spalding Conservation Area it should be refused on this ground.

Highway Safety

The relevant consultee from the Highways department have raised no objections, stating that the works will not impact highway safety. In addition, the area sees an extremely low volume of traffic, further lowering the potential impacts.

The proposal conforms to the relevant Policies on highway safety.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development within the defined settlement boundary and Spalding Conservation Area. The development hereby proposed materially harms the character and appearance of the locality and harms the conservation area it is within.

Conclusion

Taking the above considerations into account, the proposal is considered to conflict with Policy 29 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (2023). It is therefore recommended that the application is refused.

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

The recommendation is for a delegated refusal.