DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0394-24**	**Applicant:**	**Hinckley and Rugby Building Society**
Proposal:	Replace 2 existing fascia signs & remove overhanging lighting		
Location:	13 Sheep Market Spalding		
Terminal Date:	25th June 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful 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

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks advertisement consent for the erection of two pieces of replacement fascia signage at 13 Sheep Market. Sign 1 would be located on a side elevation, while Sign 2 would be

located on the front elevation. Both advertisements would front the highway.

Sign 1 would be located on a side elevation, projecting towards Station Street. The sign would measure 0.91 metres (height) by 5.45 metres (width). The sign would be 2.3 metres from the ground. These measurements are comparable to the existing signage. The sign would be constructed of powder coated aluminium, with opal coloured acrylic writing reading "Hinckley & Rugby". It is proposed that the ampersand would be printed with graduation yellow/orange light emitting vinyl. All other detailing would be vinyl.

Sign 2, located on the principal elevation, would measure 0.9 metres (height) by 7.2 metres (width). The sign would be 2.3 metres from the ground. As with Sign 1, these measurements are comparable to the existing advertisement. The materials proposed would match that of Sign 1; namely, powder coated grey aluminium, opal acrylic lettering and yellow/orange vinyl detailing.

It is proposed that the advertisements would be illuminated at a level of 650cd/m2. This is approximately 2.5 times greater than existing illuminance levels. The signs would be internally backlit, and as a result, the existing trough lighting would be removed.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is within the defined Primary Shopping Area, and by extension the Town Centre, of Spalding, and as such is characterised by commercial units. The unit marks the beginning of the Sheep Market. The building projects forward from the build line of Station Street, increasing the visual prominence of the site. The property is clearly visible from the Grade II listed Sessions House and the Grade II* listed 1 Sheep Market.

The ground floor is occupied by a fairly modern shop front, where grey is the primary colour. Above this are two residential floors, both in a more traditional style. The building is a three-storey terraced unit, constructed of yellow-brown brick. The first and second floor features timber windows, again in a traditional style. The use of arched windows can be seen on the two adjacent properties.

Relevant History

H16-1038-14 - Advertisement Consent - Proposed Signage - Approved 07.01.2015

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Flood Authority

"The advertisement proposals will not present a danger or distraction for road users therefore the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to Highway Safety".

Environmental Protection

No comments

Conservation Officer

I wish to object to this application as currently proposed.

The application proposes backlighting / internal illumination which is not considered to be a part of the vernacular for conservation area commercial properties and therefore should not be permitted without proper, reasoned justification which has not been provided in this instance. The proposal would therefore fail to meet the requirements of Policy 29 of the SELLP, by presenting a form of harm to the conservation area

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the

Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key 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, adopted March 2019 (SELLP), 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 2023) (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

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.

These policies accord with the provisions of the NPPF and require 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. Paragraph 141 of the NPPF states that "The quality and character of places can suffer when advertisements are poorly sited and designed".

The proposal features a muted colour pallet, which reduces the visual impact of the design and ensures greater cohesion with the character of the area. Grey colouring is present on the existing advertisement, and therefore, its extended use here would not appear out of place. Furthermore, as the primary colour of the shop front is currently grey, the proposed advertisement would appear further in keeping.

As the application is for replacement signage, the proposal would not result in an over-proliferation of signage in the area. The proposed scale of advertisement is comparable with the existing signage. The removal of the projecting trough light would also reduce the visual impact of the signage.

The use of acrylic and aluminium is considered to be in keeping with the area. Spalding town centre heavily features these materials and so their addition here would not be out of place. That being said, the use of light emitting vinyl is not common. Vinyl itself is not a vernacular material and, while there is some vinyl within the town centre, would be largely alien in this context. The use of light emitting vinyl brings the proposal further out of keeping.

The proposed level of illumination here is over 2.5 times brighter than the current signage. At 650cd/m2, the proposed illumination would be far brighter than any of the signage in the immediate area. This would result in an incongruous form of development, significantly out of keeping with the character of the area.

Taking account of the design, scale, and nature of the advertisement, as detailed above, the proposal is considered to be unacceptable. The proposal would have an adverse impact to the character and appearance of the area and would therefore be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would not have an unacceptable impact upon residential amenity. The proposal, by virtue of its nature, would not create additional overshadowing or overlooking. Despite being illuminated, it is unlikely that the signage would disturb residential properties in the area.

As detailed above, the scale, design and illumination of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the SELLP in terms of impact upon residential amenity.

Heritage and Conservation

Policy 29 of the SELLP alongside Section 16 of NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting locale.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Policy 29B, states that "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." This Policy goes on to state that proposals should:
"retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials

and plot widths of the existing built environment;" and "assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape"

It is considered that the use of vinyl here fails to adhere to this point. While vinyl is present in some small quantities within the area, the material is not vernacular, and its illumination draws greater focus upon this fact. Due to the prominence of the building within the Conservation Area and the views available from the listed buildings discussed above, it is considered that the proposed use of vinyl here is entirely inappropriate.

Furthermore, internally illuminated signage is not considered to be acceptable in a conservation area setting unless under exceptional circumstances. While there is a limited number of properties in the immediate area with internally illuminated signage, none of these are at such high illuminance levels as proposed here. It is therefore considered that the proposed use of internal illumination, as opposed to external illumination which is currently in situ, would be unacceptable. The proposal would fail to retain or reinforce local distinctiveness and would result in a negative impact upon the townscape; thereby contradicting points 4 and 5 of Policy 29B.

As stated previously paragraph 206 of the NPPF gives great weight in favour of the conservation of heritage assets, and goes on to break the potential harm caused by development into: substantial harm, total loss or less than substantial harm.

Paragraph 213 states that the "loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area". It is considered that the proposal would result in less than substantial harm, and therefore, paragraph 208 is relevant here.

Paragraph 208 states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

It is considered that no public benefit would arise from the proposal. The replacement signage would be solely to the benefit of the proprietor of 13 Sheep Market. As such, the proposal is considered to be contrary to Section 16 of the NPPF.

The Conservation Officer has also objected to this proposal on the grounds of harm to the Conservation Area, further emphasising the unsuitable nature of this proposal.

The proposal fails to conserve or enhance to the historic environment and therefore is considered to be contrary to Policy 29 of the SELLP and Section 16 of the NPPF.

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 proposal is considered to be contrary to the provisions of the SELLP and NPPF. The advertisement, by virtue of the levels of illumination and materials proposed, would cause less than substantial harm to the quality of the historic environment, while delivering no discernible public benefit.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to be contrary to Policies 2, 3, and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. Therefore, the planning balance is in not in favour of the proposal in this instance.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.