DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0582-22**	**Applicant:**	**Erindale Ltd.**
Proposal:	Proposed Signage		
Location:	Land West Of Apple Green Services Barrier Bank Spalding		
Terminal Date:	2nd August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 12: Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks permission for the installation of various illuminated and non-illuminated signage on the approved restaurants/drive-thru (KFC and Taco Bell), approved under planning permission H16-0172-21. The proposal includes signage on the building and freestanding signage relating to parking, directional signs and signage associated with the drive thrus.

Site Description

The building is located at the south-west corner of Applegreen Services, is single storey in height and is of a mono-pitch design with a flat roof element to the rear. The building was approved under planning permission H16-0172-21.

Relevant Planning History

H16-0172-21 - Construction of a KFC and Taco Bell restaurant / drive-thru (Use Class E / Sui-Generis) with associated vehicular access and drive thru lane, car parking, landscaping and other infrastructure works - Approved 27th July 2021.

Consultation Responses

Lincolnshire County Council Highway and Lead Local Flood Authority
No objections.

Water Management Alliance
No comments.

Planning Considerations

Amenity

The proposal includes signage on the building and freestanding signage relating to parking, directional signs and signage associated with the drive thrus. In terms of visual amenity, whilst the application includes various signage throughout the site, it is considered that given the size of the site as a whole and the character of the surrounding area as a service station, the proposal would not result in any detrimental impacts on the visual amenity of the area.

Despite the inclusion of illuminated signage, given the closest neighbouring residential property is approximately 500m south of the site (Bijou, Barrier Bank), the proposal is not considered to impact on the amenity of any residential property.

Furthermore, the proposed illuminated signage is considered to be of an acceptable level of luminance (600cd/m2) that would not result in any detrimental impact to road users and therefore would not have any impacts on highway safety.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal does not materially harm the character or appearance of the locality, amenity of nearby residents or highway safety. For the reasons listed above, this application is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as the National Planning Policy Framework (2021). Therefore, it is recommended that this application be approved.

Conclusion

Approve, subject to conditions.

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.