DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0711-22**	**Applicant:**	**Merkur Slots UK Ltd.**
Proposal:	Proposed Signage		
Location:	32 - 33 Hall Place Spalding		
Terminal Date:	19th September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (2021).

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Advertisement consent application for Proposed Signage, comprising an externally illuminated facia

and a hanging sign.

The application has been revised since submission to provide a more sympathetic design.

SITE DESCRIPTION

The building is a terraced building, reading as two storey with dormer rooms/windows in the roof, within the Spalding Conservation Area and Primary Shopping Area and Primary Shopping Frontage.

The property has a double fronted shop front at the ground floor with large display windows and low stall risers.

At first floor the property has four traditional timber windows, under detailed arches. The second floor, which is not impacted by this proposal, contains three dormer windows with eight over eight traditional glazing.

RELEVANT PLANNING HISTORY

H16-0789-21. FULL. Change of use from former E use class to Adult Gaming Centre (Sui Generis). REFUSED 07-09-21. APPEAL ALLOWED 12-07-22

H16-0790-21. ADVERTISEMENT. Proposed Signage. REFUSED 07-09-21. APPEAL DISMISSED 12-07-22

REPRESENTATIONS

SHDC Conservation Officer

"I write to confirm that I have no objection to these proposals from a conservation perspective. The proposal makes use of an appropriate lighting style and materials commonly found in signage throughout the conservation area.

The proposal to include externally illuminated projecting signs, located in their traditional position within the pilaster is, again, a positive, as is the proposed retention of pilaster details and the proposal to make use of a full fascia instead of a floating fascia.

The colour scheme presented consists of broadly heritage-acceptable tones, with the fascia being black, text white and underscore red - all of these colours are commonly found within similar settings and Spalding town centre itself already. Only the yellow of the corporate logo and the word 'SLOTS' could be said to be somewhat unique, but this forms only a small portion of the overall scheme and should not materially detract from appreciation of the wider heritage asset when coupled with external rather than internal illumination and the substantially smaller scale of the text and logo than that which was seen under a previously refused application."

LCC Highways & SUDS

The proposal is for frontage signage and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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 is acceptable and accordingly, does not wish to object to this planning application.

Sir John Hayes CBE MP

Comments (summarised):

Delighted that window vinyl is not being proposed;
Signage should reflect importance of prominent location in this part of the town and the conservation area;
National policy and design standards with "beauty" at its heart should be applied.

PLANNING CONSIDERATIONS

The Advertisement Regulations require that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking in to account the provisions of the development plan.

Visual and Heritage Impact

The proposal as set out within this Advertisement Consent application differs from the scheme dismissed at appeal.

Within the appeal decision dated 12 July 2022 (APP/A2525/H/21/3286069 refers) the Inspector sets out at paragraph 21, the following:

The proposed fascia sign would be internally illuminated. This would be located in between the existing pilasters and would cover a wide double-fronted shopfront with an uninterrupted single banner. The fascia sign would be wide with a poor relationship with the form of the shopfront. Also, the proposed text includes a relatively large font which, when combined with the company logo, would be substantially larger than lettering of many local signs, drawing undue attention to the text. Furthermore, the text and logo would be set within a dark background. This contrast would further emphasise the strident nature of the lettering creating an effect that would be obtrusive and harmful. Accordingly, the proposed fascia signage, and its form of illumination, draws abrupt attention in an overt manner.

Taking the individual elements in turn:

- the signage is now proposed to be externally illuminated.
- the length of the facia is still the length of the facia between the pilaster heads, which not an uncommon approach within the conservation area. It is considered that this approach is preferable to a "floating" facia advertisement that would not address the full facia.
- the font of the text and logo has been reduced.
- the black background remains, as does the logo livery.

It is to be noted that the livery of this company has been used within other conservation areas within the UK, and as such cannot be considered to be unacceptable in principle, when looking at the intentions of the NPPF 2021 and wider guidance regarding design.

The hanging sign has been relocated to a lower and more acceptable location.

Taking in to account the views of the Inspector, it is considered that the proposal has been sufficiently reduced to an extent that would overcome the design concerns of the Inspector's cumulative concerns.

The comments of Sir John Hayes MP have been considered along with national and local planning policies. Officers conclude that on balance the proposed advertisement would not harm the amenity of the local area, nor would it now fail to preserve or enhance the character or appearance of the conservation area.

As such, the proposal would not conflict with paragraphs 130 and 136 of the NPPF 2021, which require proposals to consider the effect of advertisements on amenity and to be sympathetic to the character of the local area. The proposal would now not be in conflict with SELLP policies 2, 3 and 29. These seek development that would have an acceptable impact on amenity, to avoid visual intrusion by advertising and to conserve and enhance the character and appearance of the conservation area.

It is considered that on balance the proposals would have a neutral effect upon this part of the Spalding Conservation Area.

A condition is suggested to preclude any later addition of vinyl signs to the windows.

Highway safety

The proposal is for frontage signage and it does not have an impact on the public highway. This is confirmed by LCC Highways & SUDS, as set out above.

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 proposed advertisements in the form proposed would on balance accord with the national and local planning policies for this form of development. Further, the proposal would not materially harm the character or appearance of this part of the Spalding Conservation Area, nor amenity of nearby residents. Further the development would not impact upon road and pedestrian safety.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, and 29 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

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

That the application be approved under delegated powers.

The application was referred to Chairman's Panel on 16 September 2022 where a delegated

decision was accepted.