

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H16-0790-21	Applicant:	Merkur Slots (UK) Ltd.
Proposal:	Proposed Signage		
Location:	32-33 Hall Place Spalding		
Terminal Date:	16th September 2021		

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
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Advertisement consent application for Proposed Signage, comprising:

- individual, internally illuminated affixed "Merkur" and "Slots" letters alongside a sun logo, on the existing fascia.
- the lettering would be 250mm high on the Hall Place elevation
- the projecting sign would be fabricated from aluminium, with a powder coated finish, the background being faced in acrylic with self-adhesive vinyl. The projecting sign would be internally illuminated with a max luminance of 250cdm2 and located adjacent to the first floor windows.

The application has been revised since submission. The drawings state that the amended plans confirm that no vinyl will be placed on the glazing, the intended use of the first floor rooms and the proposed works to the shopfront none of which constitute development that requires planning permission. These revisions were not requested by SHDC officers.

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). Under consideration.

CONSULTATION RESPONSES

Spalding & District Civic Society

As the site is in the primary shopping area and the conservation area and is designated as a primary shopping front by policy 26 of the South East Lincolnshire Local Plan, we would like more detail as to how the applicant intends to make use of the shop display windows as the application is silent on this. The justification for policy 26 highlights the risks of clustering of non A1 frontages can create dead frontages thereby having an effect on footfall. This particular part of Hall Place already has a number of non A1 frontages in the form of a bank, an employment agency and is also opposite a building society and another bank.

We also refer to policy 29. This requires proposals to assess and mitigate against, any negative impact the proposal might have on the townscape. The applicant has not made that assessment and we therefore would like to the applicant to make that assessment and clarify the proposals for the display windows.

In the absence of such assessment and statement of mitigation, we feel that a condition should be considered to ensure that the windows are not blanked out by any form of vinyl advertising which would be detrimental to this prime area of the town and to the conservation area as a whole.

SHDC Conservation Officer

From a Conservation perspective, do not feel that the proposed signage is appropriate in design and construction for the Conservation Area setting, especially in such a prominent portion of the primary shopping area of Spalding.

The proposed restoration of the pilaster details and the avoidance of direct application vinyl is appreciated. However, believe that cumulatively, the modern, somewhat characterless design of the signage and the bold, bright colour scheme (notwithstanding the black background) are at odds with the aims of Policy 29 of the South East Lincolnshire Local Plan, in that they do nothing to assist in the enhancement of the character and distinctiveness of the Spalding townscape. A more carefully considered, heritage focussed proposal, that was commensurate with the Conservation Area would be far more preferable.

Additionally, note that it is proposed that the signage would be internally illuminated, which is again, at odds with the standard of the conservation area. Apart from in exceptional circumstances, internally illuminated signage is not generally considered to be appropriate for signage in a conservation area owing to the fact that it completely alters and modernises the character of a townscape, especially at night. As such, would suggest that any successful proposal should only include external illumination methods.

LCC Highways & SuDS

Does not wish to restrict the grant of permission.

The proposal is for shop front 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.

Rt Hon Sir John Hayes CBE MP

Objection:

Retail unit is on a prominent position on the High Street in the conservation area. Imperative that the signage reflects the importance of its' position. The current signage does not.

Concerns regarding two large window displays - more detail is needed. Something handcrafted in timber might be appropriate.

Vinyl stickers would not be in keeping.

SHDC needs to promptly establish a wholly new and radically different approach to these types of applications.

Public

2 objections received:

- this type of business would be detrimental to our town.
- the proposed signage is an insignificant issue while the possibility of a 24 hour gaming establishment is anything but strongly object to this proposal. The premises should remain retail.

PLANNING CONSIDERATIONS

Principle of Development

The use to which the building would be put is discussed in the accompanying planning application (H16-0789-21 refers). This advertisement application is considered in detail below.

Visual and Heritage Impact

The impact of the proposals upon the Spalding Conservation Area (SCA) is deemed to be unacceptable. This is due to the scale, colour and design of the proposed signage that would not be in keeping or sympathetic to the SCA. The proposal for a set of starkly coloured, large (relative to other, nearby signage styles), branded signs that would dominate the important Hall Place area of the Spalding Town Centre and SCA within which the proposed signage would sit.

In addition, the hanging sign is proposed to be installed above, rather than alongside the fascia, which would result in a high level, internally illuminated sign, out of character with this part of the conservation area. Looking at the signage as a package of works, the signage would impact heavily

upon various views of and from important elements of the SCA such longer views of the site from the surrounding shopping area and of Hall Place itself, which is a characterful element of the SCA in its own right. It is not considered that the signage would preserve or enhance the character or appearance of this part of the conservation area.

Highway safety

The proposal would not have an impact on highway or pedestrian safety. As can be seen, Lincs County Council raise no objection.

CONCLUSION

For the reasons listed above the application is considered to be in contradiction to Policy 29 of the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (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

Delegated refusal.

The application was considered by the Chairman's Panel meeting of 3 September 2021 and it was agreed that a delegated determination was appropriate.