

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0858-23 **Applicant:** We Buy Any Car Ltd.
Proposal: Erection of signage - retrospective
Location: We Buy Any Car Pod Holland Market Winfrey Avenue
Terminal Date: 21st November 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

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
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an advertisement application seeking permission for the erection of retrospective signage on the We Buy Any Car Pod at Holland Market.

Site Description

The site lies within the settlement boundaries of Spalding as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The application is retrospective with the pod being located here since November 2021, it is sited in the car park shared with multiple supermarkets/ shops

slightly south to the bus station. It features large advertisement boards across all elevations with green strips along the top and bottom and white in the middle.

History

H16-0857-23 - Siting of office building for the purchasing of motor vehicles from the public and temporarily stored until moved off site - retrospective - Approved

Consultation Responses

Lincolnshire County Council Highways

No objection -

The sign has no impact upon the safe use or the capacity of the local highway network and therefore the highway authority does not wish to object to the grant of Consent for this Application.

South Holland District Council Environmental Protection

No comments.

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 and Consideration of the Character and Appearance of the Area

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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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.

The height of the sign is 1.325m with the total width being 2.4m and the depth is 0.1m. The height from the ground to base is 0.88m and it does not project from the face of the building as it lays flat on the elevations. The maximum height of any letters is 265cm. The materials used on the sign is vinyl stickers and it features green and black text with a white and green background. Within Holland Market there are a variety of signs for other shops and therefore this advertisement sign wouldn't appear out of place.

The development is therefore considered to be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed sign would have no impact on resident amenity, the nearest property is approximately 80m from the pod/ advertisement signs and is situated in a predominantly commercial area. This separation distance is considered to be substantial and more than an adequate gap to limit and make any potential issues redundant. The sign is also not illuminated in any regard and therefore this further means no issues should arise. There are a variety of signs within this area for other shops and therefore this advertisement sign wouldn't appear overbearing.

The proposal is therefore considered to be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF in terms of resident amenity.

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 appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2 & 3 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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

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