

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0858-24 **Applicant:** K Collective
Proposal: Proposed Signage (Retrospective)
Location: 33 Red Lion Street Spalding
Terminal Date: 9th December 2024

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 2023

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks advertisement consent for the erection of fascia signage. This application is retrospective.

The signage measures 0.9 metres (height) by 2 metres (width), with a depth of 0.05 metres. The sign is positioned 3.15 metres from ground level, above the main entrance of the building. The sign is constructed from aluminium composite, with white acrylic lettering reading "K collective". The background is a dark grey/black.

Site Description

The site is within the settlement boundary of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the defined town centre of Spalding, as well as the primary shopping area. The building is immediately to the north of the Grade II Listed Red Lion Hotel, although 33 Red Lion Street is a relatively modern building.

The application site also lies within the Conservation Area.

The building itself is of red brick construction, with slate tiles, in a typical fashion. Grey windows and doors are present.

Relevant History

H16-1099-22 - Full. Installation of photovoltaic panels to south & west roof slopes. Refused 03/01/23.

H16-0834-16 - Full. Change of use of first floor living accommodation to commercial and replacement of first floor window. Approved 5/10/16.

H16-0544-05 - Full. Change of use of office to apartment. Approved 01/06/05.

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:

Conservation Officer

No objection

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

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 National Planning Policy Framework (December 2023), "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 National Planning Policy Framework (December

2023), 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 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the South East Lincolnshire Local Plan (2019) 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 National Planning Policy Framework (December 2023) 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 National Planning Policy Framework (December 2023) states that "The quality and character of places can suffer when advertisements are poorly sited and designed".

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.

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. Furthermore, as the primary colour of the shop front is currently grey, the proposed advertisement would appear further in keeping.

The additional signage here would not represent an over proliferation. The scale is relatively small and positioned in a natural way as to be well incorporated into the design of the building.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2023).

Heritage and Conservation

Policy 29 of the South East Lincolnshire Local Plan (2019) alongside Section 16 of National Planning Policy Framework (December 2023), 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 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The National Planning Policy Framework (December 2023) 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 National Planning Policy Framework (December 2023) 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 National Planning Policy Framework (December 2023). 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 of the South East Lincolnshire Local Plan (2019), 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"

The proposed materials are commonplace in this setting, and akin to what is currently in situ in the area. All materials proposed are considered to be appropriate in this setting. The materials are considered to be vernacular, and as such, would generate no harm upon either the adjacent heritage asset or the wider conservation area.

The Conservation Officer has raised no objection to the proposal, thereby reaffirming the view that the proposal is acceptable on conservation grounds.

As such, the proposal is considered to conform to Policy 29B of the Local Plan and would help to preserve the character of the Conservation Area.

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 in keeping with the character of the area. The use of muted colours will reduce the visual impact of the development and tie the signage into the existing shop front. The materials proposed are considered appropriate for a Conservation Area setting. The comments of the Conservation Area have reaffirmed the view that the proposal would not have a harmful impact upon the character of the area.

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 in accordance with Policies 2, 3, and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 16 of the National Planning Policy Framework (December 2023). Therefore, the planning balance is in favour of the proposal.

Recommendation

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