DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1108-23**	**Applicant:**	**Mr P Leo**
Proposal:	Proposed Signage		
Location:	15 Sheep Market Spalding Lincolnshire		
Terminal Date:	8th February 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (NPPF) (December 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

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks advertisement consent for the erection of two pieces of signage at 15 Sheep Market. The signage would be located on the principal elevation of the unit. The proposal includes one fascia sign and one projecting sign.

The fascia sign would measure 5800mm (width), by 675mm (height). The sign would be constructed of an unspecified black metal, with white lettering. The lettering would have a maximum height of 475mm. The top of the sign would feature a static LED bar. The advertisement would be located above the front entrance of the unit, at a height of 2550mm.

The proposed projecting sign would be circular in shape. The sign would project by 825mm, with a

height of 675mm. The sign would be located at the same height as the fascia sign, 2550mm. The advertisement would incorporate a static LED bar above the lettering. It would be constructed of black vinyl, with white lettering, ringed in a green metal frame.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is within the defined Town Centre of Spalding, and as such is characterised by commercial units. The unit occupies a prominent space within the historic core of the settlement. Despite this, the property itself is not listed, being a fairly modern three storey unit. The site is currently vacant.

Relevant History

H16-0862-17 - Advertisement. Proposed signage. Approved 6/11/17.

H17-0602-14 - Advertisement. Proposed signage. Approved 15/12/14.

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 received.

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 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.

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 proposal features a muted colour pallet, which is consistent with that of the wider area. The use of these muted colours reduces the visual impact of the development. All colours proposed are prevalent within the site and the wider area currently, further reducing the potential visual impact of the proposal.

The use of illumination, while not commonplace within conservation areas, would not appear out of keeping. Examples of illuminated signage can be found within the wider Spalding town centre area, which would naturalise the proposal.

Taking account of the design, scale, and nature of the advertsiement, as detailed above, the proposal is considered to be acceptable. The proposal would not have an adverse impact to the character and 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).

Impacts Upon Resident Amenity

Paragraph 135 of the National Planning Policy Framework (December 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.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would not have an unacceptable impact upon residential amenity. The proposal, by virtue of its nature, would not create additional overshadowing or overlooking. Despite being illuminated, it is unlikely that the signage would disturb residential properties in the area.

As detailed above, the scale, design and illumination of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the National Planning Policy Framework (December 2023) and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in terms of impact upon residential amenity.

Heritage and Conservation

Policy 29 of the South East Lincolnshire Local Plan (2019), alongside Section 16 of the 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.

While the site is within the Conservation Area, the building itself is not listed and is of fairly modern construction. The materials proposed are typical within the area and would not appear out of place within the Conservation Area. The use of muted colour pallet would further reduce the visual impact of development. The proposed signage is of a relatively modest scale and cannot be considered to be inappropriately sized for the site or the area at large.

Whilst the proposed signage is illuminated, which is generally not considered acceptable in Conservation Area settings, the use of illumination is not alien to this portion of the Conservation Area which already features several prominent illuminated signs and screens. The proposed illumination is minimal and is not at an unacceptable level.

The Conservation Officer has raised no objections to this proposal.

For the above reasons, it is considered that the proposal would conserve the historic environment and represents a marginal improvement over the existing signage, with no harm being caused.

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 represents appropriate works within the defined settlement boundary. The advertisements hereby proposed do not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst preserving the historic environment. The use of internal illumination, while not commonplace in the Conservation Area, is considered acceptable in this instance due to its use already being well established on the site.

Conclusion

Taking these factors into consideration, the proposal is considered to comply 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). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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

The recommendation is for delegated approval.