

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1121-23 **Applicant:** Sainsbury's Supermarkets Ltd

Proposal: Proposed Signage

Location: Sainsbury'S Holland Market Spalding

Terminal Date: 14th 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

Section 12 - Achieving well designed and beautiful 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	1

CASE OFFICER ASSESSMENT

Proposal

This is an advertisement application seeking permission for the erection of proposed signage on three separate elevations at Sainsbury's in Holland Market.

Site Description

The site is located within the defined settlement boundary of Spalding as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Sainsbury's is sited within a commercial area with a plethora of other supermarkets and shops in the immediate area with the town centre being South East of this area.

History

H16-0848-10 - Extension to petrol filling station kiosk and associated works - Approved

H16-0662-16 - Proposed 1 No. illuminated automatic number plate recognition camera - Approved

H16-0663-16 - Proposed non-illuminated car park signage - Approved

H16-1056-16 - Installation of Timpson's pod within customer car park - Refused (Appeal Allowed)

H16-1267-16 - Proposed Signage - Approved

H16-0850-22 - Retention of Retail Pod (Use Class E (A) - Approved

Consultation Responses

Lincolnshire County Council Highways Authority

Recommendation: No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The advertisement proposals will not present a danger or distraction for road users therefore the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to Highway Safety.

South Holland District Council Environmental Protection

No observations.

South Holland District Council Conservation Officer

I wish to raise no objections to this proposal. The site is within visual range of the border of the conservation area for Spalding. However, it is not situated within it. As such, I conclude that there are no grounds within Policy 29 of the SELLP to object to this proposal to utilise internally illuminated signage, particularly such that it so closely replicates the existing signage and branding colour scheme as exists on site already.

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

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Highway Safety
- Heritage Considerations

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details 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.

Development proposals should also ensure that 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. 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.

These policies accord with the provisions of the National Planning Policy Framework 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.

Two separate advertisement designs are proposed with five signs being situated on three different elevations. Two Sainsbury's Letters are proposed with three Argos Flexbox Signs being located on site as well.

The Sainsbury's sign on both elevations shall be a fascia featuring an orange background with white text. The height of the sign will be 1062mm with a total width of 5655mm, it shall have a total depth of 100mm and protrude from the face of the building by the same amount. It shall be 7365mm from the base of the advertisement to the ground, this is of the same height as the existing signage is. The lettering shall be made from individual acrylic. This sign will be located on the principal elevation. The sign located on the rear elevation will have a total height of 862mm and a total width of 4591mm with a similar depth and amount protruding from the face of the building. It shall be 6795mm from the base of the advertisement to the ground which is also similar to the existing sign on this elevation. The materials of the lettering and size of the letters will also be the same in this instance. Both signs shall be internally illuminated with the illuminance levels being around 600cd/m

squared and will be of a similar design, style and size to the existing.

Finally, the Argos sign shall also be a fascia using white text on a red background. The height of the sign on the principal elevation will be 850mm and has a total width of 1275mm and a depth of 100mm projecting from the face the of the building by 200mm. It shall be situated lower than the Sainsbury's sign having a total height from the ground at 6325mm. Furthermore, the sign on the side and rear elevation will have a height of 690mm and a width of 1035mm with the same depth and projection as previously mentioned. They shall be 5925mm from the ground to the base being slightly lower than the sign at the front. These measurements mean the sign shall be smaller than the proposed and existing Sainsbury's signs but shall still be acceptable similarly, all three signs will also be internally illuminated with 600cd/m squared levels of illuminance. They will all use the same materials across all the elevations to ensure they do not stand and look well suited amongst each other.

Despite the varying sizes and designs of the Sainsbury's and Argos signs, when 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 and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of 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 proposed sign would have no impact on resident amenity, the nearest property is approximately 50m from the rear elevation and over 160m from the principal elevation and is situated in a predominantly commercial area. This separation distance is considered to be substantial and a more than adequate gap to limit and make any potential issues redundant. The nearest properties to the rear are covered by existing trees such that the sign does not appear overbearing and the illumination will not effect them. There are a variety of signs within this area for other supermarkets plus the existing signs across multiple elevations for Sainsbury's and therefore these advertisement signs wouldn't cause harm to resident amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Lincolnshire County Council Highways Authority were consulted on this application and raised no objection to the proposed signage, their comments are as follows 'The advertisement proposals will

not present a danger or distraction for road users therefore the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to Highway Safety' the LPA therefore take the view that the signs will cause no harm and therefore should not be refused on highway grounds.

The scheme is in direct accordance with Section 9 of the NPPF and Policies 2 and 3 of the SELLP.

Heritage Matters

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. 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.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

This site is situated adjacent to Spalding Town Station which is a Grade II Listed Building whilst also being in close proximity to the Conservation Area and as such the Conservation Officer was consulted to ensure no harm to this building would occur. No objections were raised through this consultation stating that 'There are no grounds within Policy 29 of the SELLP to object to this proposal to utilise internally illuminated signage, particularly such that it so closely replicates the existing signage and branding colour scheme as exists on site already', therefore the proposal is acceptable and representative of the area.

The proposal is in accordance with Policy 29 of the local plan and Section 16 of the National Planning Policy Framework (December 2023).

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 causes no unacceptable impact on the highway, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

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 into consideration these factors, the proposal is considered to comply with Policies 2, 3, & 29 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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