

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1137-22 **Applicant:** Notemachine UK Ltd.

Proposal: Internally illuminated 'Free Cash Withdrawals' sign above the ATM & blue LED halo illumination to the surround - retrospective

Location: 13 Winsover Road Spalding

Terminal Date: 24th January 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 2021

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

CASE OFFICER ASSESSMENT

Proposal

This application is for the installation of an internally illuminated advertisement above the ATM at 13 Winsover Road. The application is retrospective, with the works having been completed on 26th May 2022.

The sign measures 345mm (height) by 725mm (width). It will be located 1916mm from ground level. The advertisement reads "free cash withdrawals" in white, internally illuminated lettering on a black background. The lettering has a maximum height of 107.5mm. The perimeter of the sign is ringed with blue LEDs. The advertisement projects from the principle elevation by 40mm.

Site Description

The advertisement is located on the principle elevation of 13 Winsover Road, Spalding, a local convenience store. The site is located south of the train station and to the west of Spalding town centre.

The shop front protrudes slightly compared to its neighbours. The building is painted white, with light grey window frames and door. Advertisements have been placed in the windows.

The surrounding area is characterised by commercial properties. The businesses in the vicinity are predominantly small convenience stores and hot food takeaways.

Relevant History

H16-0730-22 - Advertisement application for shop front stickers- Retrospective. Refused 22/9/22.

H16-0729-22 - Full application for the installation of ATM Machine - Retrospective. Approved 16/9/22.

Consultation Responses

Lincolnshire County Council, County Highways and SUDS Officer and Lead Local Flood Authority

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.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments add to the overall quality of the area; are visually attractive and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Likewise, policy 2 of the South-East Lincolnshire Local Plan (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.

The commercial nature of the area means that the street is already scattered with comparable advertisements. Therefore, the concept of the advertisement will not cause discrepancy with the local character.

The muted colour pallet creates little contrast with the setting, instead helping it to meld in. The internal illuminations are bright enough to catch the eye, without making the sign the focal point of its surroundings. Therefore, the design of the sign is deemed to be in keeping with the area.

The size of the advertisement is not considered excessive compared to its surroundings. It is proportional to the size of the accompanying ATM and the shop front it is located in.

Taking the above into account, the proposed advertisement is deemed to comply with policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Impacts Upon Resident Amenity

Given the position of the sign, the commercial location, and proposed illumination levels, it is not considered that any unacceptable impact would result in neighbouring amenity.

As such the proposal would accord with Policies 2 and 3 of SELLP.

Highway/Public Safety

LCC Highways has been consulted and has indicated that the proposal would not have a significant impact on the public highway. It therefore does not wish to restrict the grant of consent on highway/public safety grounds.

The proposal therefore accords with paragraph 111 of the National Planning Policy Framework, 2021, which indicates that proposals should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Planning Balance

The proposed signage is acceptable on amenity and highway/public safety grounds. There are no issues that outweigh factors in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.