

Development Management Delegated Decision Report

B/21/0037



SUMMARY OF APPLICATION

Application Reference	B/21/0037		
Application Type	Advertisement Consent		
Proposal	Advertisement Consent for the installation of 1no. externally illuminated Fascia Sign		
Location	13, Red Lion Street, Boston, PE21 6NY		
Applicant	Mr C Gagdos		
Agent	Mr Nick Overton, NiCAD Consultancy Services		
Received Date:	01-Feb-2021	Consultation Expiry Date:	04-Mar-2021
Valid Date:	03-Feb-2021	Statutory Expiry Date:	31-Mar-2021
Date of Site Visit:	11-Mar-2021	Extension of Time Date:	--
Objections received?	None		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Advertisement Consent		
Report by:	Simon Eldred		
Date:	22 nd March 2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application relates to a building with northern and eastern-facing elevations onto Red Lion Street, Boston. It is a three-storey end-of-terrace building and its ground-floor is in use as a hot food takeaway. In its eastern-facing elevation, it has two ground-floor doorways and a shopfront (with an existing fascia sign and vinyl signs on the surfaces of the shopfront and windows), and first and second-floor windows. The northern-facing elevation contains no window or door openings.

It is located within Boston's commercial core, and many of the nearby buildings (in use as general stores, hairdressers, a church, a butcher, a restaurant, and a charity shop) carry advertisements.

DETAILS OF PROPOSAL:

It is proposed to erect a fascia sign above the shop window at a height of 2.5m above ground-level. The sign will be 5.5m wide, 0.65m high and 0.02m deep and it will be constructed in timber and pvc. It will have a white background, with: red letters 30cm in height reading 'TATE'S PIZZA'; smaller (10cm and 8cm high) black lettering beneath (on a green



background) and to the side identifying the foods and services offered; and a chef logo in black and green. It will be externally illuminated by a black-coloured trough light (2185 lumens per metre) above the sign.

RELEVANT HISTORY:

B/19/0513 – full planning permission was granted for change of use from retail shop (Class A1) to a hot food takeaway (Class A5) and the installation of a flue.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being within Boston's Settlement Boundary, within the Town Centre Boundary, and within the Conservation Area boundary. The following policies are relevant to this application:

- Policy 2: Development Management;
- Policy 3: Design of New Development; and
- Policy 29: The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 12: Achieving well-designed places; and
- Section 16: Conserving and enhancing the historic environment.

National Planning Practice Guidance (PPG)

The provisions of the Planning Practice Guidance category entitled 'Advertisements' are relevant, especially paragraphs 067 to 079.

CONSULTATION RESPONSES:

Heritage Lincolnshire indicates that the property is located within the Boston Conservation Area and close to listed buildings, and that the proposals need to preserve the special interest of these assets. They go on to indicate that the proposed signage is: an improvement on existing arrangements; and sympathetic to the building's character. Whilst the proposal could be improved by using more traditional signage details, the simple nature of the design is a reasonable approach for the property and the location.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) indicates that the proposal do not have an impact on the public highway or surface water flood risk. Consequently, it concludes that the proposal is acceptable, and indicates that it does not object.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) indicates that “a *local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety*”. i.e. advertisements should be subject to control **only** in the interests of amenity and public safety.

Therefore, the key considerations in regard to this application are: effects upon amenity; and effects on public safety.

Amenity

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identify that factors relevant to amenity include the general characteristics of the area, including the presence of any feature of historic, architectural, cultural or similar interest.

The advertisement is proposed to be displayed:

- in a part of the town where commercial uses are concentrated, and where advertisements are therefore common;
- within the Boston Conservation Area; and
- in a location which forms parts of the setting to listed buildings, namely:
 - the Centenary Methodist Church and attached church hall (Grade II*); and
 - 7 Red Lion Street (Grade II).

This part of Red Lion Street accommodates many business uses, and many nearby buildings display advertisements. Given this visual context, and the proposed sign's relatively modest scale, simple design, fairly muted colour scheme and static illumination, it is considered that the proposed advertisement will not appear alien or incongruous, and will not have significantly adverse impacts upon the general characteristics of the area.

The sign is proposed to be displayed within: a conservation area; and 35m of two listed buildings. However, once again, given:

- its relatively modest scale;
- its simple design;
- its fairly muted colour scheme;
- its static illumination; and
- the fact that it is located on a street of shops, hairdressers and restaurants (most of which display signs)

it is considered that the sign will not conflict with the character and appearance of this part of the Conservation Area nor undermine the setting of the listed buildings - a view which is shared by Heritage Lincolnshire.

In all therefore, it is considered that the proposed advertisement will not harm the amenity of the area and, as such, is acceptable in this respect.

Public safety

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identify that factors relevant to public safety include the safety of people using the highway and whether the display of the advertisement is likely to: obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any security or surveillance device, or device for measuring the speed of vehicles.

Traffic speeds are limited to a maximum of 30MPH and, in practice, will often be lower given the presence of the crossroads and on-street parking in the site's immediate vicinity. The proposed sign is of a relatively modest scale, its colour-scheme is relatively muted, and the proposed illumination is static and of a relatively modest intensity. Consequently it is considered that the sign will not distract the attention of highway users or obscure/hinder the interpretation of traffic signs – a view that is shared by the Highway Authority. There appear to be no speed cameras in the vicinity and, although there is a CCTV camera on the corner of 15 Red Lion Street, it is considered that the proposed sign will do nothing to interfere with its function.

In all therefore, it is considered that the proposed advertisement will not harm public safety and, as such, is acceptable in this respect.

CONCLUSION:

The application site is located in a part of the town where commercial uses are concentrated, and where advertisements are common. It is considered that the proposals:

- are in keeping with the general characteristics of the locality , and will not have any significant adverse impact upon the setting of nearby listed buildings or the character and appearance of the Conservation Area; and
- will not impact upon the safety of highway users or the operation of the town's CCTV or speed-control cameras.

RECOMMENDATION:

GRANT Advertisement Consent, subject to the following conditions:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	<p>This consent expires after 5 years from the date consent was initially granted.</p> <p>Reason: Required to be imposed by Section 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
2	<p>The signage hereby approved by this consent shall be carried out in strict accordance with the application received 01-Feb-2021 and with the details shown on:</p> <ul style="list-style-type: none"> • DWG: 20/TP/01 – Signage; and • Supporting Information. <p>Reason: To ensure the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2011-2036, and guidance contained in the National Planning Policy Framework (February 2019).</p>
3	<p>(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p>

	<p>(ii) No advertisement shall be sited or displayed so as to—</p> <ul style="list-style-type: none"> (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle. <p>(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.</p> <p>(v) Where an advertisement is required under this permission to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>Reason: Standard conditions imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.</p>
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	