

Delegated Report

Planning Ref: 24/01083/ADV

Applicant: Mr Lukas Schlenker

Ward: Markfield, Stanton and Fieldhead



Hinckley & Bosworth
Borough Council

Site: 232A Leicester Road, Field Head, Markfield

Proposal: LED Illuminated advertisement sign (Retrospective)

1. Recommendations

1.1. Refuse advertisement consent for the reasons set out below:

1.The advertisement is considered to cause detrimental impacts to the character of the area by way of its design, size, scale, illumination, location, and its visual impacts within the street scene. As such the proposal is considered to not be in accordance with Policies DM10 and DM23 of the SADMP.

2.The advertisement illuminance levels are considered unacceptable within the area and as a result have direct impacts on the residential amenity of nearby residents in terms of obtrusive light and light intrusion. As such the proposal is not in accordance with Policies DM10 and DM23 of the SADMP.

2. Planning application description

2.1. The application seeks retrospective consent for the display of an internally illuminated LED advertisement board, under the Town and Country Planning (Control of Advertisements) (England) regulations 2007 (as amended).

2.2. The proposed advertisement would measure 2.56 metres by 1.46 metres. The advertisements would be located at the boundary of the site, onto Leicester Road.

3. Description of the site and surrounding area

3.1. The application is a two storey corner plot commercial unit. The site is located on the corner of Leicester Road and Ratby Lane and is within close proximity to the A50. The site is located in a predominantly residential area with low level of lighting and one neighbouring hot food takeaway business.

4. Relevant planning history

None

5. Publicity

5.1. A Site Notice has been displayed and letters have been issued to neighbouring properties; 8 neighbour objections have been received raising concerns relating to the following:

- Not in keeping with the area
- Light pollution to neighbouring properties
- Concerns to highways safety
- Too bright
- Impacts on nocturnal wildlife
- Retrospective nature shows a lack of respect for the process

- Allowing the application would set a precedent

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. LCC Highways: Luminance should be reduced but no objection.
- 6.3. Groby Parish Council: Objection due to rolling images, brightness of advertisement and not in keeping with the area.

7. Policy

- 7.1. Core Strategy (2009)
 - None
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM23: High Quality Shop Fronts And Advertisements
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Visual Amenity and impact upon the character of the area
 - Public Safety

Visual Amenity

- 8.2 Paragraph 141 of the National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interest of amenity and public safety, taking into account of cumulative impacts.
- 8.3 Policy DM23 of the Site Allocations and Development Management Policies DPD sets out the circumstances in which applications for outdoor advertisements will be approved by the Borough Council. The criteria includes that they have no adverse impact on amenity and that they do not represent an over proliferation of unnecessary advertisements singularly or cumulatively.
- 8.4 Policy DM10 of the SADMP states that of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 The application is for retrospective advertisement consent for the display of an advertisement board measuring 2.56m (w) x 1.46m (h). The advertisement comprises an LED screen measuring 2560mm (w) x 960mm (h) with an associated header measuring 2560mm (w) x 440mm (h) which is powder coated with static

vinyl. The signage is internally illuminated via LED lights and as per the application form the illuminance levels are 800 cd/m².

8.6 The site is located on the corner of Leicester Road and Ratby Lane, and is also located within close proximity to the A50. The site is located within a heavily residential area, with the exception of one hot food takeaway located on the adjacent corner of Leicester Road and Ratby Lane. The advertisement abuts the boundary wall and railing of the site, facing out onto the highway and is therefore highly visible from the surrounding streetscene. The scale of the sign is large and the digital and illuminated nature of the sign results in the signage being very dominant. Considering the residential nature of the area the signage is not considered to be acceptable in terms of its overall design and impact on the visual amenity and character of the area. Smaller advertisements which can be seen at nearby business, or externally illuminated advertisements of a lower luminance could be considered acceptable – however the proposal under this consent application is unacceptable. As such the proposal is not in accordance with Policy DM10 of the SADMP in terms of its overall design.

8.7 Whilst a residential area, given the proximity of the A50 it is considered that the site would fall within 'Zone E3 – Medium District Brightness' as set out in the ILP Professional Lighting Guide 05/23. The illuminance of 800 cd/m² far exceeds the guidance contained within this guidance and a number of residents raise concerns with the brightness of the signage and the impact upon them. Whilst the Environmental Health team have not objected to the application. The combination of the digital nature of the sign and the illuminance levels is not considered acceptable and would give rise to detrimental impacts to neighbouring amenity in terms of light intrusion. The signage illuminate is not considered an acceptable level – as such the proposal is not in accordance with Policy DM10 and Policy DM23 of the SADMP.

Public Safety

8.8 Public safety means the considerations which are relevant to the safe use and operation of any form of traffic or transport (including the safety of pedestrians). Policy DM23 allows for advertisements that have no detrimental impact on public safety.

8.9 LCC Highways were consulted as part of this application given the location of the advertisement in relation to the highway. The proposal includes luminance levels of 800 cd/m² and the LHA considers the site to be within 'Zone E3 – Medium District Brightness' given the proximity to the A50 with this street lighting, number of dwellings and businesses within the location. Given the size of the advertisement (2560mm by 960mm) the brightness should not exceed 600cd/m² during the day, with night-time levels of 300cd/m². This however is a retrospective application and is therefore assessed on the 800 cd/m² as stated with the application form. The proposal is not considered acceptable due to impacts on public safety however LCC Highways consider that this could be conditioned satisfactorily to lessen the impacts. The proposal is therefore not in accordance with Policy DM17 or DM23 of the SADMP, but could be subject to condition.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector quality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Overall, the proposal is considered to be inappropriate, and not in keeping the the character of the area by way of its design, location and size, the proposal is also considered to cause detrimental impacts to neighbouring residential amenity in terms of light pollution and also the proposal is considered to be of an unacceptable luminance level causing concerns relating to public safety. As such the proposal is in direct conflict with Policies DM10, DM17, and DM23 of the SADMP.

11. Recommendation

11.1 **Refuse advertisement consent:**

11.2 **Refuse planning permission** subject to the reasons at the end of this report.

11.3 **Reasons**

1. The advertisement is considered to cause detrimental impacts to the character of the area by way of its design, size, scale, illumination, location, and its visual impacts within the street scene. As such the proposal is considered to not be in accordance with Policies DM10 and DM23 of the SADMP.
2. The advertisement illuminance levels are considered unacceptable within the area and as a result have direct impacts on the residential amenity of nearby residents in terms of obtrusive light and light intrusion. As such the proposal is not in accordance with Policies DM10 and DM23 of the SADMP

11.4 **Notes to applicant**

1. The plans used in the determination of this application are as follows:-
 Application Form
 Advertisement Visual Drg No. 4822b
 Fixing Details Drg No PP-Drw
 Sign Dimensions Drg No. 4822b
 Site Location Plan

