

Delegated Report

Planning Ref: 23/00457/ADV
Applicant: Mrs Jayne Johnson
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Hill Top Works, 2 Keats Lane, Earl Shilton

Proposal: Proposed illuminated billboard to gable wall

1. Recommendations

- 1.1. **Refuse advertisement consent** for the reasons set out below.

2. Planning application description

- 2.1. The application seeks consent for the display of 1 illuminated billboard under the Town and Country Planning (Control of Advertisements) (England) regulations 2007 (as amended).
- 2.2. The proposed advertisement would measure 6.39 metres by 3.34 metres. The board would be located on the side gable elevation of the Hill Top Works building, approximately 3m off the ground. The sign would be constructed of timber.

3. Description of the site and surrounding area

- 3.1. The proposed site is located on the roundabout on the corner between Hill Top and Keats Lane. The proposed billboard is to be located on the first floor side elevation of a two storey building belonging to Hill Top Works. The site is located in close proximity to residential dwellings. The applicant as part of the application submission has included an image of a billboard located with 150m of the site, on the side elevation of 18 Hill Top.

4. Relevant planning history

None

5. Publicity

- 5.1. A Site Notice has been displayed; no representations were received.

6. Consultation

- 6.1. Earl Shilton Town Council: No comments received.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 12: Development in Earl Shilton
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - 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) (2021)
 - 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
- Public Safety
- Impact upon Listed Buildings

Visual Amenity

- 8.2 Paragraph 136 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 DM10 of the Site Allocations and Development Management Policies DPD states development will be permitted providing that it complements or enhances the character of the surrounding area.
- 8.4 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.
- 8.5 The proposed advertisement would be external illuminated with static illumination and located on the side elevation of Hill Top Works, facing north downhill towards Leicester Road, Earl Shilton. The advertisement is a typical billboard design with timber frame, using paper and paste adverts, which would be changed periodically to suit customer demand.
- 8.6 The advert is large in scale and would dominate much of the first floor, north west elevation of the building, covering an existing window. It does not respect the existing traditional architectural features of the building.
- 8.7 The siting of the proposed advertisement would be positioned on a highly visible gable end, on the entrance to Earl Shilton from Leicester Road and the A47. This area of Earl Shilton is in close proximity to the edge of the settlement boundary and countryside and is located in close proximity to neighbouring residential dwellings. It is judged that by virtue of its scale and design it would not be in keeping with and would appear incongruous within the surrounding street scene, the illuminated nature of the signage would further contribute to this.
- 8.8 Whilst it is acknowledged that a similar scale billboard is located within close proximity to the site (located on the side elevation of 18 Hill Top), the sign does not make a positive contribution to the wider street scene. Therefore, adding a further billboard is considered to also not positively impact on the visual amenity of the area.
- 8.9 In addition, the proposed inclusion of a subsequent billboard of this scale nearby to the existing would create an over proliferation of unnecessary advertisements within this area of Earl Shilton. This is due to the scale of two large billboards dominating the view southwards from Hill Top towards the roundabout serving Keats Lane and High Street.

- 8.10 Due to its siting, scale, design and subsequence prominence the advertisement would result in a detrimental visual impact on the character of the area and an over proliferation of unnecessary advertisements cumulatively with existing advertisements, it is considered that the proposal is in direct conflict with Policy DM23 of SADMP.

Public Safety

- 8.11 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.
- 8.12 The proposed advertisement would be upon on the first floor side elevation, of the Hill Top Works building, sited before reaching the mini roundabout at Hill Top. The advertisement, whilst illuminated to a low level of luminance (260 cd/m²), is not expected to cause any significant detrimental impact on public safety, given its location and static nature.
- 8.13 Overall the proposal would not have a significant impact on public safety in compliance with Policy DM23 of the SADMP.

Impact Upon Listed Buildings

- 8.14 The Hilltop works are located c.30 south of the grade II listed building Top House (NHLE reference 1180239). Top House is a traditional farm house located at the northern edge of Earl Shilton, adjacent to the junction of Hill Top and Church Street. It dates from the late-18th or early-19th century and is closely related historically and functionally to the agricultural land to the north of the settlement. It has a wide red brick frontage and detailing including panelled front door with arched surround. Whilst its special historic and architectural interest and thus significance is inherent within its built form it also draws some significance from its location within the original historic settlement of Earl Shilton established along an east-west ridge from the site of St Simon and St Jude's church and Earl Shilton Castle. The Hilltop Works are also situated within the historic settlement and are representative of the late-19th to early-20th century phase of industrial development within the town based around the hosiery and boot and shoe industries.
- 8.15 When approaching Earl Shilton from the north due to its scale and siting the special interest and significance of Top House can be fully appreciated by the observer. The largely blank, rendered, gable end of the Hilltop Works is fully visible within and forms a backdrop to such views. Currently it is considered to be a neutral presence within the setting of Top House. The proposal for a large advertisement board upon the gable end of the Hilltop Works would introduce an incongruous and obtrusive feature into the near setting of Top House. In the opinion of the HBBC Conservation Area Officer, the board would have an adverse visual impact upon the gable end of the host building and would introduce a negative feature into the setting of Top House which would reduce the ability of the observer to fully appreciate the significance of the building from its largely historic setting.
- 8.16 The level of adverse impact upon the significance of the grade II listed building Top House is considered to be less than substantial, and most likely towards the lower end of this spectrum of harm given that the adverse impact is derived from the development within the setting of the building rather than a direct impact.
- 8.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for

development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.

- 8.18 Policy DM12 of the SADMP DPD states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Policy DM11 of the SADMP DPD requires development proposals that affect a heritage asset or its setting to demonstrate how the benefits of the proposal will outweigh any harm caused. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 199 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be.
- 8.19 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). There are no discernible or obvious public benefits to arise from this proposal except for potentially minor economic impacts through advertising. Even if public benefits could be identified it is considered extremely unlikely they would be of the level required to outweigh the harm to the significance of the grade II listed building Top House given the great weight to be given to the conservation of this designated heritage asset in the balancing exercise.
- 8.20 The proposed development would appear an unduly obtrusive and dominant feature within the setting of the grade II listed building Top House, and by virtue of its siting, size and design, would result in less than substantial harm to the significance of the listed building. The harm arising to a designated heritage asset should be afforded great weight and would not be outweighed by any public benefits arising from the proposed development. This would be contrary to policies DM11 and DM12 of the SADMP DPD, section 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality 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 proposed sign is considered to be inappropriate, giving rise to a detrimental visual impact on the wider area and an over proliferation cumulatively of unnecessary advertisements. The proposal is therefore in conflict with Policy DM23 of the SADMP and Paragraph 136 of the NPPF. The proposed development would appear an unduly obtrusive and dominant feature within the setting of the grade II listed building Top House, and by virtue of its siting, size and design, would result in less than substantial harm to the significance of the listed building. The harm arising to a designated heritage asset should be afforded great weight and would not be outweighed by any public benefits arising from the proposed development. This would be contrary to policies DM11 and DM12 of the SADMP DPD, section 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

- 11.1 **Refuse advertisement consent:** subject to the reasons at the end of this report.

11.2 Reasons

1. The advertisement proposed would, by virtue of its location, scale and design be visually intrusive thereby causing harm to the visual amenity of the area, and would cause an over proliferation of unnecessary advertisements contrary to Policy DM10 and Policy DM23 of the Site Allocations and Development Management Policies DPD and Paragraph 136 of the National Planning Policy Framework 2021.
2. The proposed development would appear an unduly obtrusive and dominant feature within the setting of the grade II listed building Top House, and by virtue of its siting, size and design, would result in less than substantial harm to the significance of the listed building. The harm arising to a designated heritage asset should be afforded great weight and would not be outweighed by any public benefits arising from the proposed development. This would be contrary to policies DM11 and DM12 of the SADMP DPD, section 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.3 Notes to applicant

1. The plans used in the determination of this application are as follows:-
 - Site Location Plan received 16th May 2023
 - Block Plan received 16th May 2023
 - Proposed Billboard Drawing received 12th May 2023