

Delegated Report

Planning Ref: 25/00838/ADV

Applicant: Verity Cheyne

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Hinckley Market Market Place Hinckley

Proposal: Two LCD display panels on either side of BT Street Hub

1. Recommendations

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

2. Planning application description

- 2.1. This planning application seeks advertisement consent to display advertisements on two internally illuminated digital LCD display screens, one on each side of a freestanding BT Street Hub. An accompanying planning application for the installation of a BT Street Hub has also been submitted (Reference: 25/00849/FUL), alongside two full planning applications and two advertisement consent applications at Regent Street and Castle Street.
- 2.2. The BT Street Hub would be a free-standing structure with a height of 2.98m, a width of 1.23m and a depth of 0.35m. It would host a galvanised steel structure with a powder coated stainless steel/aluminium exterior and a painted powder coated cladding. The Hub features a BT logo, global logo and Wi-Fi symbol in white.
- 2.3. Two anti-glare glass display screens are proposed to sit either side of the hub, alongside a tablet interface/control panel at the side of the hub. The main anti-glare glass display screens both measure 0.95m in width and 1.67m in height (75-inch display) and have a maximum daytime brightness of 5000 cd/m² and dims to a maximum night-time brightness of 600cd/m². The screens would display content at 10-second intervals, in the form of commercial content that funds the service as well as a range of local community and council content (although it is unclear as to whether the community or council intend to utilise the boards). The hub would provide 876 hours of free council advertising per year with the opportunity for discounted advertising for local business groups.
- 2.4. The Hub is multi-functional and provides;
- Ultrafast public and encrypted Wi-Fi
 - Free phone calls
 - Display of community and emergency (i.e. police) awareness messages
 - Ability to house IoT sensors such as air quality, traffic etc.
 - Local council services
 - Connection to four national charities for support
 - Local weather information
- 2.5. The Hub would be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilise the digital HD display screens on both sides of the unit. All displayed advertisements are claimed to comply with advertising regulations and guidelines.
- 2.6. The advertisement is proposed to be sited on a block paved area pedestrian pathway of Market Place. It would replace an existing phone kiosk directly adjacent to Moto Pizza, 1 Market Place.

3. Description of the site and surrounding area

- 3.1. The application site is located within the Hinckley Town Centre Conservation Area. The Market Place is the historic focal point of the town with a market first being recorded on the site in 1311. The Market Place is now an irregular shaped area which continues the slope of Castle Street down to Regent Street and is bounded by a mixture of 2 and 3 storey buildings of varying ages. These include on the western side the former 18th century Town Hall at 6a The Borough (this being a grade II listed building (National Heritage List England (NHLE) ref 1074223) and a former mid-20th century bank building (with flanking sections) at 1-5 Market Place, which is now in use as a bar.
- 3.2. Overall, it is considered that the significance of this section of the conservation area stems from its historic interest as being the focal point for the town market, its tight boundaries being well defined by several fine historic buildings which despite the presence of some modern alterations their positive contribution to a historic street scene can still be appreciated, and the street scene generally has a historic character and appearance. However, the Hinckley Town Centre Conservation Area (HTCAA) (2013) identifies that the Market Place has become cluttered with street furniture and some of these features have a detrimental impact upon the character of the area.

4. Relevant planning history

- 4.1. There is significant history at the site, however, none are pertinent to the outcome of this application.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publications, no comments have been received.

6. Consultation

- 6.1. HBBC Conservation Officer;

'The proposal and its impact upon affect heritage assets

Although the style of the Street Hub would be relatively simple in design, it would stand at nearly three metres in height and have a striking appearance by way of its stark, modern design. Whilst the street scene is predominantly commercial, the character of numerous surrounding buildings and some of nearby street furniture is traditional in construction and design. Therefore, its height, scale and appearance, when combined with its prominent siting perpendicular to the pedestrian flow, would result in an intrusive and incongruous feature. As such, in my opinion the proposed Street Hub would cause harm to the character and appearance of the area.

Additional adverse visual impacts would likely occur as a result of the large digital advertising screens on either side of the Street Hub. As a result of their digital nature and illumination, they would introduce a modern and visually intrusive addition to the street scene. This would be especially so at night when, even if dimmed, the illumination would cast a multicoloured hue across the otherwise largely traditional street scene.

Given the harm to character and appearance, it follows that the contribution the application site makes to the conservation area would be diminished as a result of the proposed Street Hub. In this case the diminishment would be to such an extent that harm to the significance of this heritage asset would occur. In my opinion the level of harm would be less than substantial (in terms of the NPPF), and most likely towards the lower end of this spectrum of harm when considering the level of adverse impact upon the conservation area as a whole.

Whilst being located within the wider setting of the grade II listed building 6a The Borough, due to the siting of the Street Hub, its scale and intervening distance it is considered that the proposed Hub would result in no material impact upon the listed building and would not affect or reduce the ability of the observer to appreciate the heritage significance of this heritage asset. Consequently, the proposal would preserve its significance.

6.2. HBBC Environmental Services (Pollution);

'I recommend the following conditions;

Notwithstanding the details provided, the intensity of the illumination of the screens permitted shall not exceed 300cd/m² in the hours of darkness and the maximum daytime luminance values set out in table 10.5 of the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05/23) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) in cd/m².

The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.'

6.3. LCC Highways;

'Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), on an advertisement consent planning application for the display of two x internally illuminated advertisement signs to a proposed BT Street Hub Unit within the footway at the Market Place, Hinckley, Leicestershire.

The LHA is aware of application 25/00849/FUL at the same location, for the erection of a BT Hub Unit, which will be responded to in separate observations.

The Applicant seeks advertisement consent for a proposed BT Hub Unit, located on Market Place, an adopted, unclassified road subject to a 20mph speed limit.

The Applicant has proposed a luminance level of 5000cd/m² within the Application Form, however, the LHA considers the site to be within 'Zone E4 – High district brightness areas (e.g. city and town centres with high levels of night time activity)', therefore given the size of the advertisement (1.67m x 0.95m) the brightness should not exceed a luminance level of 1000cd/m², which is the maximum luminance level permitted by the LHA. The LHA will seek to secure this by way of condition.

The LHA are satisfied that the proposals, subject to the condition advised below, will not have a severe impact on the public highway contrary to Paragraphs 116 of

the National Planning Policy Framework (NPPF) 2024. As such the LHA would not seek to resist this application subject to the following condition.

Conditions

1. The maximum luminance of the light source shall not exceed 1000 cd/m².

REASON: In the interests of general highway safety in accordance with the National Planning Policy Framework (2024).

7. Policy

7.1. Hinckley Town Centre Area Action Plan (HTCAAP)

None applicable

7.2. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.3. 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Planning (Listed Building and Conservation Areas) Act 1990
- Leicestershire Highway Design Guide (LHDG) (2024)
- Hinckley Town Centre Public Realm Strategy Masterplan (2020)

8. Appraisal

8.1. Key Issues

- Impact upon the amenity of the area
- Impact upon neighbouring amenity
- Impact upon highway safety

Impact upon the amenity of the area

8.2 Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

8.3 Policy DM10 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.

- 8.4 Policies DM11 and DM12 of SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced, and 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.
- 8.5 Policy DM23 of the SADMP states that outdoor advertisements which require consent will be approved by the Borough Council where:
- They do not represent an over proliferation of unnecessary advertisements singularly or cumulatively; and
 - They have no adverse impact on amenity; and
 - They maintain or enhance the character of the conservation area.
- 8.6 The BT Street Hub is proposed to be sited on a block paved area within a pedestrian zone of Market Place. It would consist of two large display screens which would sit either side of the substructure which as a result of their digital nature and illumination, would introduce a modern and visually intrusive addition to the street scene, especially so at night when, even if dimmed, the illumination would cast a multicoloured hue across the otherwise largely traditional street scene.
- 8.7 Whilst being located within the wider setting of the grade II listed building 6a The Borough, due to the siting of the Street Hub, its scale and intervening distance it is considered that the proposed Hub would result in no material impact upon the listed building and would not affect or reduce the ability of the observer to appreciate the heritage significance of this heritage asset. Consequently, the proposal would preserve its significance.
- 8.8 Whilst the street scene is predominantly commercial, the character of numerous surrounding buildings and majority of nearby street furniture is traditional in construction and design. Therefore, its height, scale and appearance, when combined with its prominent siting perpendicular to the pedestrian flow would result in an intrusive and incongruous feature. As such, the proposed advertisement would cause harm to the character and appearance of the area.
- 8.9 Furthermore, even though the Hub would replace an existing phone kiosk and as so would not contribute to the increase in street furniture in isolation, the scale of the Hub is larger than the existing street phone kiosk and more visually prominent. Furthermore, the application is accompanied by two further applications for Hubs in the Town Centre, which would be situated a minimum distance of 90.00m from each other which as a whole are considered to result in an over proliferation of this type of development within Hinckley Town Centre.
- 8.10 It is also important to note that there is information kiosks present to the junction of Castle Street and Church Walk and to the Crescent, which host a similar appearance to the proposed Hub, nevertheless the kiosks were not subject to consideration by the LPA and it is not clear if these are lawful.
- 8.11 The Hinckley Town Centre Conservation Area Appraisal notes that the Market Place is the focal point of the town and the Conservation Area but that its appearance fails to match this importance. The Appraisal notes that the Market Place is cluttered with street furniture and this is described as having a detrimental impact on the Conservation Area. Whilst the Appraisal is dated, the findings are still considered to be relevant and reinforced by the Hinckley Town Centre Public Realm Strategy Masterplan (2020), where a public realm audit found that there is a wide and un-coordinated mix of street furniture including seating, litter bins, bollards, guardrails and utility cabinets. In many places provision of elements such as bollards and guardrails feel excessive and poorly located, conflicting with pedestrian

desire lines and creating a sense of visual clutter. By virtue of the above the proposal does little to reduce this detrimental impact and the scale and nature of the proposal would add to this harm.

- 8.12 By virtue of the above, the proposed advertisement would be contrary to Policies DM10, DM11, DM12 and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the overarching principles of the NPPF.

Impact upon neighbouring amenity

- 8.13 Policy DM7 of the SADMP states that all reasonable steps should be taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare, light intrusion and noise intrusion.
- 8.14 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.15 Market Place comprises a mixture of uses with commercial units being typical to the ground floor and office spaces or residential uses being typical to the first floor.
- 8.16 As outlined fully within the accompanying report for the installation of the BT Street Hub structure (Reference: 25/00849/FUL), the advertisement subject to conditions the proposed BT Street Hub is unlikely to cause a detrimental impact on neighbouring occupiers over and above the existing noise generated in a busy town centre environment and would not result in the creation of an obtrusive level of light satisfying Policies DM7 and DM10 of the SADMP.

Impact upon public/highway safety

- 8.17 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.18 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.19 Policy DM23 of the SADMP requires advertisements to be of an acceptable level of luminosity so not as to lead to obtrusive light and states that consent will only be approved by the Borough Council where they have no detrimental impact on public safety.
- 8.20 The Planning Practice Guidance (PPG) states that the main types of advertisement which may cause danger to road users are:

- (a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;
- (b) those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;
- (c) those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface);
- (d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology:
 - i. where the means of illumination is directly visible from any part of the road;
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or
 - iv. which are subject to frequent changes of the display;
- (e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;
- (f) those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road;

8.21 As outlined within the accompanying report for the installation of the BT Street Hub structure (Reference: 25/00849/FUL), the advertisement would have no adverse impacts upon public or highway safety. The advertisement therefore complies with Policies DM17 and DM23 of the SADMP and the overarching principles of the NPPF.

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.

10. Conclusion

- 10.1. The two digital display screens comply with the Institute of Lighting Professionals, Professional Lighting Guide 05: The Brightness of Illuminated Advertisements guidance. It is considered that the display screens would not result in glare and dazzle or distract road-users. Conditions could be attached to any advertisement consent to ensure that the two advertising display screens do not significantly affect public/highway safety. By virtue of the width of the street and the hubs position in relation to existing street furniture, it would not create a significant obstruction or unduly restrict pedestrian flow to the detriment of their safety. Whilst the hub contributes to the visual clutter in the area as determined within section 8, the hub is not judged to cause clutter from a movement perspective. Furthermore, the development would not adversely affect neighbouring properties amenity.
- 10.2. However, the advertisement display screens would look wholly out of keeping with the townscape. The unit would fail to assimilate into its surroundings by virtue of the large display screens and bulk meaning the hub would be overly prominent in the street scene and have an adverse impact upon the visual amenity of the area. The illuminated nature of the digital display screens is inappropriate within the setting of the Hinckley Town Centre Conservation Area as internally illuminated advertisements are visually intrusive and unduly prominent in the street scene. The advertising display screens do not complement or enhance the existing environment, townscape or Conservation Area. Furthermore, such harm far outweighs the associated public benefits.
- 10.3. For the above reasons the advertisement consent application is recommended for refusal.

11. Recommendation

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

11.2 Reasons

1. The proposed advertisement by virtue of its design scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape and Hinckley Town Centre Conservation Area. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. The development is therefore considered to be contrary to Policies DM10, DM11, DM12, and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).