

Delegated Report

Planning Ref: 24/00942/ADV

Applicant: Mr Rodrigo Hernandez

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 65 Castle Street, Hinckley

Proposal: Internally illuminated fascia and acrylic letters on windows and door

1. Recommendations

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

2. Planning application description

- 2.1. The application seeks retrospective consent for the display of an internally illuminated fascia and acrylic letters on windows and doors, under the Town and Country Planning (Control of Advertisements) (England) regulations 2007 (as amended).
- 2.2. The proposed advertisement would measure 0.93 metres by 2.75 metres. The advertisements would be located atop the door of 65 Castle Street, with various advertisements located by the side of the entrance door and on the windows to the shop.

3. Description of the site and surrounding area

- 3.1. The application property is a three storey building with a commercial ground floor located within the Hinckley Town Centre Conservation Area. It dates from early 19th century with the facing walls to the first and second floors being whitewashed render lined to simulate ashlar stone. The building has a Welsh slate roof, with cornice on paired brackets, and small paned casement windows to the upper floors. These features provided the building with historic and architectural interest and it contributes positively to the character and appearance and thus significance of the conservation area. The building is identified as being locally important within the Hinckley Town Centre Conservation Area Appraisal (HTCAA) (2013).
- 3.2. The ground floor shopfront is a later 20th century alteration to the front elevation of the building, and before the works for which consent is now being sought were undertaken it consisted of a brick frontage with central timber mutli-paned door, flanked by two large mutli-paned windows (one a bow window, the other flush), a non-illuminated fascia board across the full width of the frontage and set at the upper level of the ground floor brickwork, and two fixed signs of differing sizes either side of the central entrance door. The existing fascia board has some areas of various bright colours below the main text, but the predominant colours across the fascia board and upon the signage flanking the doors were relatively muted, consisting of a black background and white text. Overall, the appearance of the ground floor frontage and former signage scheme was considered to be generally respectful to the character of the building and have a neutral effect upon the conservation area.

4. Relevant planning history

None

5. Publicity

- 5.1. A Site Notice has been displayed and letters have been issued to neighbouring properties; no representations were received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Conservation Officer: "In my opinion it is considered that the proposal is in conflict with Policy DM23 of the SADMP DPD and the guidance on high quality shop fronts set out within the Good Design Guide, and as such it is considered that the proposal would have an adverse impact upon the significance of the conservation area. The level of harm caused to this designated heritage asset is considered to be less than substantial harm (in terms of the NPPF)". (Full comments incorporated in the report)

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 1: Development in Hinckley
- 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) (2023)
 - 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 conservation area
 - Public Safety

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 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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.6 Section 16 of the National Planning Policy Framework (NPPF) (2023) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
 - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c) How the benefits of the proposal will outweigh any harm caused
 - d) Any impact on archaeology in line with Policy DM13
- 8.8 All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.9 The Hinckley Town Centre Conservation Area Appraisal recognises the detrimental impact of poor quality shop fronts upon the character and appearance of conservation area, and the Council's Good Design Guide (chapter 8) provides clear and specific guidance for what will be expected from the design of replacement shopfronts.
- 8.10 The proposal is for a replacement fascia box which extends across the full width of the frontage with its lowest level set as existing, but now extends upwards close to cill level of the first floor windows. The fascia box has internally illuminated white acrylic letters and is coloured in light blue. To the sides of the front door two equally sized fixed signs have been installed advertising the goods on sale at the premises in a range of bright colours. Acrylic letters and further signage has been applied within each section of the recently replaced aluminium framed shop front windows.
- 8.11 It is considered that the scale of the replacement fascia is of too great bulk and mass by extending above the existing brick level of the shop front and it is not considered proportionate to the dimensions of the shopfront. The GDG provides clear guidance that large box signs or flat boards should be avoided as they create disproportionate depth and height, this is seen here. In addition, the colours used and the font on the fascia are considered to be too bold and do not respect the character of the area. Details are not clear as to the extent of illumination proposed (it is not clear as to whether the letters on the fascia are illuminated only or if it is the

full fascia that is illuminated), so it cannot be confirmed that the proposed method of illumination will avoid adverse impacts upon the visual amenities of the conservation area. The increased size of the two fixed signs flanking the door and the use of the further signage within the replaced windows has resulted in an unnecessary over-proliferation of signage as to have the effect that the shopfront is now dominated by advertisements. Again the GDG provides guidance on window signage highlighting that a shopfront can become cluttered by a lot of stickers or signs. Generally window signage should be restricted to the minimum necessary and be of an appropriate size, this guidance has not been adhered to in this case. This adverse effect is exacerbated by the use of bold and bright colours on each of the signs.

- 8.12 It is considered that the proposal is in conflict with Policies DM10 and DM23 of the SADMP DPD and the guidance on high quality shop fronts set out within the Good Design Guide, and as such it is considered that the proposal would have an adverse impact upon the significance of the conservation area in conflict with DM11 and DM12. The level of harm caused to this designated heritage asset is considered to be less than substantial harm (in terms of the NPPF) and must be weighed against the public benefits of the development.

Public Safety

- 8.13 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.
- 8.14 The proposed advertisement is ground floor level and is located on Castle Street which is a pedestrianised street consisting of a mix of retail and commercial units, therefore it is not considered that the proposal and levels of luminance would cause detrimental impacts to public safety.
- 8.15 Overall the proposal would not have a significant impact on public safety in compliance with Policy DM23 of the SADMP.

Harm vs Benefit Summary and Assessment

- 8.16 As currently proposed the harm caused to the Hinckley Town Centre Conservation Area must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 205, 206 and 208 of the National Planning Policy Framework.
- 8.17 Paragraph 205 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. This is irrespective of the level of harm to the significance of the asset.
- 8.18 Paragraph 206 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD. No justification has been provided by the applicant for the harm caused to the conservation area. Possible alternative arrangements regarding seeking to avoid adverse effects from the proposal have been made by the local planning authority to the applicant, including reducing the size of the fascia back to its previous extent, considering sensitive options for illumination within a replacement fascia box, considering a muted colour scheme for the fascia and lettering, and reducing the number of additional fixed and applied signs to the walls

and windows, but at the time of writing these comments no such amendments to the scheme have been received.

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). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

8.20 The proposal can demonstrate no heritage benefits. It is considered that there are no public benefits attributed to the proposal and remains significantly outweighed by the harm to the conservation area. The proposal is therefore considered in direct conflict with paragraph 208 of the NPPF and Policy DM11 of the SADMP. In completing this balancing exercise great weight must be demonstrably given to the conservation of the heritage assets as required by paragraph 205 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal creates an over proliferation of advertisements and is of poor overall design. The proposal is therefore also not in accordance with Policies DM10 or DM23 of the SADMP.

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 fascia 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 Policies DM10 and DM23 of the SADMP and Paragraph 136 of the NPPF. The proposal can demonstrate no heritage benefits. It is considered that there are no public benefits attributed to the proposal and these remain significantly outweighed by the harm to the conservation area. The proposal is therefore considered in direct conflict with paragraph 208 of the NPPF and Policy DM11 and DM12 of the SADMP. In completing this balancing exercise great weight must be demonstrably given to the conservation of the heritage assets as required by paragraph 205 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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 proposed fascia and advertisements propose an over proliferation of unnecessary advertisements which result in a detrimental impact to the visual amenity and character of the area. The proposal is therefore not in accordance with Policy DM10 and DM23 of the SADMP.
2. The proposal is considered to cause detrimental impacts to the Hinckley Town Centre Conservation Area and does not provide any public benefit to outweigh the less than substantial harm attributed to this. As such the proposal is considered in conflict with Policy DM11 and DM12 of the SADMP and paragraph 208 of the NPPF.

11.4 Notes to applicant

1. The plans used in the determination of this application are as follows:-
Application Form
Proposed Block Plan, Drg No. ME3324-02
Proposed Plan, Drg No. ME3324-03
Site Location Plan, Drg No. ME3324-01