

Delegated Report

Planning Ref: 24/00115/ADV
Applicant: MRS SARA HUMPHRIES
Ward: Hinckley Castle
Site: 3 Castle Street, Hinckley
Proposal: Two fascia signs, one projecting sign



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant advertisement consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This application is for two fascia signs and one projecting sign.

3. Description of the site and surrounding area

3.1. The applications are for alterations to the front elevation (including advertisements) and rear elevation of 3 Castle Street to facilitate a new commercial use. The building is located within the Hinckley Town Centre Conservation Area. The property dates from the late-20th century and has a scale, form, appearance and construction materials typical of a commercial property from this period which do not respect the traditional qualities of the conservation area. For these reasons the building is identified as being part of a weak area within the Hinckley Town Centre Conservation Area Appraisal (2013), and overall the building is considered to make a negative contribution to the character and appearance, and thus significance, of the conservation area.

4. Relevant planning history

None

5. Publicity

5.1. The application has been publicised by sending out letters to local residents, a site notice has been posted within the vicinity of the site and a press notice posted in the Hinckley Times.

5.2. No responses have been received.

6. Consultation

6.1. HBBC Conservation Officer: No objections, substantive report included within the Impact on the character of the Conservation Area section of this report.

6.2. LCC Highways: Standing advice.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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

- Impact upon the character of the Conservation Area
- Impact upon highway safety

Impact upon the character of the Conservation Area

8.2 The applications are for alterations to the front elevation (including advertisements) and rear elevation of 3 Castle Street to facilitate a new commercial use. The building is located within the Hinckley Town Centre Conservation Area. The property dates from the late-20th century and has a scale, form, appearance and construction materials typical of a commercial property from this period which do not respect the traditional qualities of the conservation area. For these reasons the building is identified as being part of a weak area within the Hinckley Town Centre Conservation Area Appraisal (2013), and overall the building is considered to make a negative contribution to the character and appearance, and thus significance, of the conservation area.

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 the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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) 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 To facilitate the new operator of the building on the front elevation it is proposed to replace the existing shop front, insert a new fascia panel and internally illuminated signs, install a new roller shutter to the doors, and erect an awning to facilitate outside customer seating (as has also been provided at the adjacent property). To the rear a replacement staff door is proposed, in addition to the installation of air conditioning condensers and extract grilles for the operation of the commercial unit.

- 8.8 The replacement shop front would be of suitable proportions and have a form that is consistent with the character of the existing building. The use of roller shutters can have a detrimental impact upon the character of the conservation area but there is a precedent for their use on this building as part of its previous commercial activity, and the current proposal is for shutters over the entrance doors only so this would limit their visual impact. There is also precedent for awnings along the frontage. The new signage for the commercial operation is considered to be appropriately positioned and scaled and visually acceptable in terms of imaging, font and colours, and would not result in an over-proliferation of signs upon the front elevation. The proposals to the rear of the building are minimal in extent and nature so would have no adverse impact upon the character and appearance of the conservation area.
- 8.9 The proposal does not provide the opportunity for any particular enhancement to the character and appearance of the building and the wider conservation area, however, the proposed alterations and advertisements are considered to have neutral impact on the character and appearance of 3 Castle Street and the wider Hinckley Town Centre Conservation Area, thus preserving its significance. Subsequently the proposal complies with Policies DM10, DM11, DM12 and DM23 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon highway safety

- 8.10 Policy DM17 of the SADMP requires development to not have a significant impact upon highways safety.
- 8.11 Policy DM23 of the SADMP also requires advertisements to be of an acceptable level of luminosity so not as to lead to obtrusive light.
- 8.12 The site faces onto Castle Street which is a pedestrianised high street, which is occupied by a large number of retail units with laminated advertisements. The application form does not stipulate a level of luminance, however similar to advertisements within the area this has been conditioned to be no higher than 250cd/m², it is therefore considered that the proposed advertisements would not cause any material impacts upon pedestrian or vehicular safety in compliance with policies DM17 and DM23 of the SADMP.

Equality implications

- 8.13 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.
- 8.14 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.
- 8.15 There are no known equality implications arising directly from this development.

- 8.16 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).

9. Conclusion

10. Overall the proposal is deemed acceptable within the context of the street scene and would preserve the character and appearance of the area. The illumination and projection of the advertisement would not cause any significant impacts upon pedestrian or vehicular safety. The proposed development is therefore deemed acceptable in accordance with Policies DM10, DM11, DM12, DM17, DM23 of the SADMP and the wider policies of the NPPF

11. Recommendation

- 11.1 **Grant advertisement consent** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The grant of express consent shall expire at the end of a period of five years from the date of this notification.

Reason: To comply with the requirements of Regulation 16(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

a) 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

b) No advertisement shall be sited or displayed so as to:-

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

c) 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

d) 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

e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. The advertisement(s) hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan, Drg No. TQRQM24022143453792
- Block Plan, Drg No. TQRQM24033124441430
- Existing, Proposed Elevations, Drg No. RCEN/S6414/04P
- Existing, Proposed Sections, Drg No. RCEN/S6414/03P
- Shop Front Elevation, Sections, Drg No. RCEN/S6414/01A
- Design and Access Statement

Reason: To protect the visual amenity of the area to accord with Policies DM1 and DM23 of the Site Allocations and Development Management Policies Development Plan Document.

5. The illuminated advertisements hereby permitted shall only be statically internally illuminated and shall not have a degree of brightness exceeding 250 candelas per square metre.

Reason: In the interests of the visual amenities of the locality and the character and appearance of the area and so that drivers of vehicles on the highway are not dazzled or distracted in accordance with Policy DM23 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.