

Delegated Report

Planning Ref: 24/00082/ADV

Applicant: MR SHER SINGH FRY DAYZ LIMITED

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 26 Wood Street, Earl Shilton

Proposal: Internally Illuminated fascia and projecting sign

1.0 Recommendations

1.1. Grant advertisement consent subject to:

- Planning conditions outlined at the end of this report

2.0 Planning application description

- 2.1. The application is for advertisement consent for replacement advertisements to the shop frontage with a change of name from 'Shilton Fish & Chips' to 'Fry Dayz'
- 2.2. The advertisements will be lit at a luminance level of 300 cd/m2.
- 2.3. Advertisement 1 would be a fascia sign, 3.24m from the ground with dimensions of 86 x 712 x 15 cm. The sign would have a grey background, white text with blue shapes and be made of aluminium, acrylic & PVC Vinyl. Maximum projection of the advertisement from the face of the building would be 15cm with static internal LED illumination.
- 2.4. Advertisement 2 would be a projecting sign, 3.24m from the ground with dimensions of 60 x 85 x 10 cm. The sign would have a grey background with white text and be made of aluminium, acrylic & PVC Vinyl. Maximum projection of the advertisement from the face of the building would be 15cm with static internal LED illumination.

3.0 Description of the site and surrounding area

- 3.1. The application site is located in the centre of Earl Shilton to the north of Wood Street (A47 through Earl Shilton). The site is surrounded by commercial properties to the east, south and west, some of which have residential apartments above. Land levels increase from south to north, with the ridge heights of the existing building reflecting this.
- 3.2. The shop is an existing take away which has recently changed ownership.

4.0 Relevant planning history

08/00681/COU

- PART CHANGE OF USE OF RESTAURANT/ CAFE (CLASS A3) TO INCLUDE TAKEAWAY AND DELIVERY (CLASS A5)
- Approved
- 02.09.2008

06/01017/COU

- CHANGE OF USE FROM MEAT SHOP(A1) TO RESTAURANT(A3) AND ERECTION OF EXTRACTION FLUE
- Approved
- 16.11.2006

Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. No responses have been received.

Consultation

- 6.1. Earl Shilton Town Council: No comments received.
- 6.2. HBBC Pollution- No objection

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 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)

Appraisal

- 8.1. Key Issues
 - Impact upon the character of the area
 - Impact upon highway safety

Impact upon the character of the area

8.2 Paragraph 141 of the National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

8.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.

8.4 Policy DM23 of the SADMP sets out the circumstances in which applications for outdoor advertisements will be approved by the Borough Council. The circumstances include the requirement for advertisements to reflect local character and materials, to be appropriately scaled and to be of an acceptable level of luminosity so not as to lead to obtrusive light.

8.5 The location of the advertisements are similar to the former advertisements, and are of a similar size and luminance. The site is an existing fast food take away located on Wood Street, which serves a large number of business, and therefore it is considered that the proposed advertisements under this proposal would not be out of character with the area, by way of design or siting.

8.6 It is considered that this would not constitute an over proliferation of advertisements and when considering the location of development and surrounding businesses and advertisements, and the limited levels of luminance (300 cdm²), it is not considered to cause detrimental impacts upon the character of the area. Therefore the proposal is considered to be in accordance with Policies DM10 and DM23 of the SADMP.

Impact upon highway safety

8.7 Policy DM17 of the SADMP requires development to not have a significant impact upon highways safety.

8.8 Policy DM23 of the SADMP also requires advertisements to be of an acceptable level of luminosity so not as to lead to obtrusive light.

8.9 The site is located on Wood Street which has a range of existing shops/ restaurants. It is considered that the proposed luminance of 300 cd/m² is not excessive and would not cause detrimental impacts to pedestrian or vehicular safety.

8.10 It is therefore considered that the proposed advertisement would not cause any material impacts upon pedestrian or vehicular safety in compliance with policies DM17 and DM23 of the SADMP.

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).

10.0 Conclusion

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, DM17, DM23 of the SADMP and the wider policies of the NPPF

Recommendation

11.1 Grant advertisement consent subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. 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.

2. 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.

3. The illuminated advertisements hereby permitted shall only be statically illuminated and shall not have a degree of brightness exceeding 300 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).

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
 - Application Form
 - Fascia Sign Plan
 - Projection Sign Plan
 - Proposed projecting sign dimensions
 - Photo of proposed signage

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.

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.