

Officers Report

Planning Application No: 143965

PROPOSAL: Advertisement consent to display 1no. non-illuminated fascia sign.

LOCATION: Nettleham Community Hub, Nettleham Library 1 East Street
Nettleham Lincoln LN2 2SL

WARD: Nettleham

WARD MEMBER(S): Cllr A White and Cllr J Oliver

APPLICANT NAME: Miss J Oliver

TARGET DECISION DATE: 17/01/2022

DEVELOPMENT TYPE: Advertisement

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant consent subject to conditions

This application has been referred to the Planning Committee on the basis that the applicant is Ward Member for Nettleham.

Description:

The application site is located within Nettleham within the Conservation Area and sits within proximity to a number of listed buildings (Chapel Lane). The site hosts The Hub, a community facility which incorporates the library, a café with takeout service, numerous community facilities and groups, and computer access. The building is that of the former Library.

The application seeks express advertisement consent for a non-illuminated sign comprising 4 elements advertising 'The Seven Districts Coffee Roasters'. They are black and white and located on the east elevation of the building. All signs are already in place and are specified on the application form as:

Sign 1 – Seven Districts logo, black background and white drawing, measuring 66cm high and 50cm wide 14cm

Sign 2 – 'Seven' in white letters, measuring 12cm high with a width of 72cm with 5cm between letters

Sign 3 – 'Districts' in white letters, measuring 13cm high and a width of 120cm with 6cm between letters

Sign 4 - 'Coffee Roasters' with a white background and black printed letters with a height of 8cm and a width of 86cm.

Relevant history:

WR/423/68 – Erection of library district headquarters and garage in respect of which outline planning permission was granted - CP
134505 - Planning application for change of use to A3 cafe while continuing to provide library services and office space - GC, 22/8/16
137428 - Request for confirmation of compliance with conditions 1,2,3 and 4 of planning permission 134505 granted 22 August 2016 – CD
139210 - Application for advertisement consent for 3no. non-illuminated wall mounted signs, GC, 21/5/19

Representations:

Chairman/Ward member(s): None received

Nettleham Parish Council: Object:

'The Parish Council objects to the size of this sign which is positioned on the Hub occupying the old library building in the Nettleham Conservation area. We note that the sign advertises a service within the hub and therefore feel that any other sign on the building relating to an activity inside should be significantly smaller than the Hub sign. We also question if the Hub sign has planning permission as it exceeds the max. requirements set out below. We also note that this "non illuminated" sign has a lamp positioned over it presumably to illuminate it? We therefore object to that, and note the relevant statutory advertising conditions as follows:

SCHEDULE 3 CLASSES OF ADVERTISEMENT FOR WHICH DEEMED CONSENT IS GRANTED states 2B. An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed. (1) No advertisement may exceed 0.3 square metre in area. (2) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control. (3) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control. (4) Not more than one advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, one advertisement at each of two such entrances. (5) Illumination is not permitted unless— (a)the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there; This proposed advertisement should be rejected as it exceeds this size limit and falls within the Nettleham Conservation area.'

Local residents: 4 letters of support received from occupiers of 5 Herrington Avenue, 3 Shaw Way Nettleham and 78 Hawthorn Road Reepham.

4 letters of objection received from 1&6 Cross Street, 6 The Chestnuts and 9 The Green, Nettleham. Objections are summarised below:

- Light over the top of the sign and is therefore illuminated
- The Hub started as a community project and is now profit making business with little community involvement despite still taking public money grants
- The advertisement is far too large and does not convey what The Hub should be about
- It does not fit with the character, feel and function of the Conservation Area

- Residential area
- It encourages poor behaviour by drivers
- Sign is already in place, disregard to the planning process

LCC Highways: 'This application is for advertising consent for a fascia sign only. However, wider concerns have been raised in public responses to this planning application, therefore comments are provided below. LCC as Highways Authority has been in previous discussion with WLDC and residents, respectively, regarding the cafe at the Community Hub, relating to parking and the siting of benches and planters. The benches and planters are located within private curtilage and not public highway. Residents have raised concerns with inconsiderate/ illegal/ dangerous parking by visitors to the takeaway hatch element of the cafe, specifically. WLDC have advised that the takeaway hatch benefits from permitted development rights and does not require planning permission, therefore this cannot be addressed by the planning system. Instances of dangerous parking should be reported to the Police.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.'

Archaeology: None received

Relevant Planning Policies:

Under regulation 3 of the advertisement regulations 2017, a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account:

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); Nettleham Neighbourhood Plan and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

The policies considered most relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP17 Landscape, Townscape and Views

LP26 Design and Amenity

LP25 The Historic Environment

LP27 Main Town Centre Uses - Frontages and Advertisement

**With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP17 is consistent with NPPF paragraph*

130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. LP27 is consistent with paragraph 132 of the NPPF as they both recognise that the quality and character of places can suffer when advertisements are poorly sited and designed. The above policies are therefore attributed full weight.

- **Nettleham Neighbourhood Plan**

The policies considered most relevant are as follows:

Policy E 4 Historic buildings and the Conservation Area

Policy D 6 Design of new development

- **National Planning Practice Guidance**

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- National Planning Policy Framework
- National Planning Policy Guidance
- Planning (Listed Building and Conservation) Act 1990

Draft Central Lincolnshire Local Plan (Material Consideration)

The consultation on the Draft Central Lincolnshire Local Plan has commenced. The consultation ran for 8 weeks from 30 June to 24 August 2021.

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

Main issues

Under regulation 3 of the Advertisement Regulations;

3.— (1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

- Amenity
- Public Safety

Assessment:

Visual Amenity

The application site is located within the pre 1900 period of the village, is centrally located and within the conservation area. It also provides one of the amenities within the village (former Nettleham Library).

The Conservation Area contains a mixture of old residential, agricultural, commercial and civic properties, many built in local limestone. The Hub building is however not one of these buildings, clearly being a later addition and not of the same traditional character as those older buildings or using a local limestone material.

No 2 and 6 Cross Street (locally important buildings) sit directly opposite and are locally important. These dwellings back onto The Green a significant historic feature of the village. The site however is at a distance and position as not to have a close relationship with this historical space. The site is mainly read from and with East Street, Cross Street and The Crescent and consequently a mix of older traditional properties and other later additions. The signs do not therefore impact the setting of any listed buildings.

The policies set out in the Neighbourhood Plan and guidance contained within the conservation area appraisal and Design Guide all strongly seek to protect, preserve and enhance the conservation area through the provision of appropriately designed development and use of materials. Policy LP25 relates also to The Historic Environment and seeks development to conserve and enhance it. Section 72 of the Listed Building and Conservation Areas Act 1990 also looks to preserve or enhance the conservation area.

In terms of assessing the proposed signage Paragraph 136 of the National Planning Policy Framework (NPPF) states, 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.

Policy LP27 of the Central Lincolnshire Local Plan also advises that consent will only be granted for advertisements provided *'that it respects the scale and character of the building on which it is situated and the surrounding area, especially within a conservation area and close to listed buildings. It must not result in a cluttered street scene, excessive signage, or a proliferation of signs advertising a single site or enterprise.'*

The collective policy stance noted above clearly outlines that consideration must be given to its preservation.

Although The Hub building does not necessarily conform to the valued character of this area or the special characteristics of the conservation area the presence of the building does nevertheless form a prominent feature within it because of its position and uncharacteristic design. The signage and advertisement on the exterior of the building also forms part of its presence.

The signs subject to this application are located on the east elevation of the building. The sign is in situ. Having viewed the sign in place it is considered that, due to the nature and size of the proposed signs their provision, along with existing signs on the building, it does not result in a cluttered street scene, excessive signage or proliferation of signs advertising this facility.

Some concerns have been raised by the Parish Council and local residents in relation to the size of the signs and that they are out of character with that of the village and conservation area. The signs are acrylic and are in simple black and white colours. They have been designed to be of a proportionate size for the building. The simple signs are not considered to be out of character to the host building and are considered to sit comfortably within the existing character of the conservation area.

Concerns have also been raised with regards to the signs being illuminated. Within the application it states that the external light above the signs is for decoration purposes only and will not be used for external illumination.

The proposed signs are therefore considered to be acceptable in being of a size, design and material which is respectful to the scale and character of the building on which it is situated and that of the surrounding area. Consequently they preserve the existing character of the conservation area and acceptable to the visual amenity of the area as a whole.

Neighbouring Amenity

Policy LP26 relates to design and amenity and guides that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The signs are considered to be located as not to have an adverse impact on the living conditions of the nearby neighbouring properties or are of a size and design not to result in undue harm to them. No concerns have been raised through this application in this regard.

Public Safety

LP27 of the Central Lincolnshire Local Plan and Chapter 7 of the National Planning Policy Framework require Local Planning Authorities to consider the impact on public safety when determining applications for advertisement consent. LP27 states that: The proposals must not cause a hazard to pedestrians or road users; and not impede on any surveillance equipment and contribute positively to public perceptions of security.

The proposed advertisement are fixed and incorporated into the site and not considered to cause a hazard to pedestrian or road users.

The Local Highways Authority have raised no objections in relation to the proposed development. The size and position of the signs are also not considered to raise any surveillance or security concerns and the proposal is therefore considered acceptable in public safety terms.

Other matters

Concerns have been raised regarding the business operations of The Hub and lack of community involvement, this is not relevant to the determination as to whether or not to grant express advertisement consent.

The Parish Council sets out that the advertisement exceeds the provisions for “deemed consent” under the Advertisement Regulations.

“Deemed Consent” is the granting of consent under the regulations, without needing to apply for the Express Advertisement Consent of the Local Planning Authority. Where the parameters are exceeded, the applicant is required to apply for Express Consent, as is the case here. However, this is not a material consideration in determining whether or not the Local Planning Authority should grant it’s Express Advertisement Consent.

Conclusion:

The decision has been considered against LP27: Main Town Centre Uses - Frontages and Advertisements of the Central Lincolnshire Local Plan and duty set out in the Planning (Listed Building and Conservation) Act 1990 in the first instance and guidance contained within the National Planning Policy framework and the National Planning Practice Guidance.

The proposed adverts are found to be sensitively designed without a harmful cumulative impact arising. They are considered to preserve the conservation area, and would not harm amenity or public safety.

In light of this assessment it is considered the proposed advertisements are respectful and acceptable to public safety and amenity including the preservation of the character of the conservation area.

Recommendation: Grant planning permission subject to the conditions below:

1. The grant of express consent expires five years from the date of the grant of consent.

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

2. 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.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

3. No advertisement shall be sited or displayed so as to—
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

4. 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.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

5. 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.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

6. 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 the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.