

Recommendation: Conditional approval	
20190593	223 HINCKLEY ROAD
Proposal:	INSTALLATION OF ONE INTERNALLY ILLUMINATED FASCIA SIGN AND ONE INTERNALLY ILLUMINATED PROJECTING SIGN TO FRONT (AMENDED PLANS RECD 01/05/19)
Applicant:	MR S GOYAL
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190593
Expiry Date:	5 June 2019
TB	WARD: Fosse



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Summary

- Brought to Committee due to the number of objections and at the request of Councillor Cassidy given the level of interest.
- 26 objections were received, including from Councillor Cassidy and Councillor Alfonso, relating to the location and design of the proposed signs.
- Five representations of support were received stating the reasonableness and lack of offence of the proposed signs.

- The issues to be considered are amenity and public safety.
- The application is recommended for conditional express consent.

The Site

The application relates to a two storey building which has recently been granted approval for a massage parlour on the ground floor. There is a flat on the first floor.

The site is located within the Hinckley Road Local Shopping Centre, which is a parade of shops to the northern side of Hinckley Road (A47). The shopping centre is surrounded by areas characterised as Primarily Residential.

Attached to the east of the site at 221 Hinckley Road is a hot food takeaway on the ground floor and flats above. Attached to the west of the site at 225 Hinckley Road is a post office on the ground floor and a flat above.

Located to the rear of the site is a shared rear access from 221-229 Hinckley Road. The rear shared access is accessed from Bolton Road. The site of the Hinckley Road explosion of February 2018 is 100m (approx.) to the west of the site. The tree where tributes are left to people who lost their lives in the explosion is 37m (approx.) to the southeast of the site, to the south of Hinckley Road. Dovelands Primary School is located 430m (approx.) to the west of the site.

The shopfront already has an externally illuminated fascia sign and an internally illuminated projecting sign, which have been present on site since at least September 2012 and relate to the previous business occupier

Background

Consents for similar fascia and projecting signs were granted for previous business occupiers

Change of use from financial and professional services (Class A2) to massage parlour was approved in March 2019.

The Proposal

The application proposes the installation of two new signs, a fascia sign and a projecting sign.

The fascia sign will use the existing fascia, which is 2.6m from ground to base and located above the shop front windows. The fascia sign will advertise the business name with characters 0.395m high to the centre of the sign, as well as additional smaller information relating to the business. The width of the proposed sign will be 3.92m and the height will be 0.91m. The material of the fascia sign-tray will be aluminium finished in black, and the letters will be acrylic/stainless steel.

The characters will be statically and internally illuminated with LEDs with an illuminance level of 600 candelas per square metre. The light box of the projecting sign will be illuminated in the same manner. The fascia sign will have a height no higher than the

bottom of the first floor window above, which is in keeping with the position of the existing fascia sign. The maximum height of lettering will be 60cm.

The projecting sign will have a height of 2.65m from ground to base with a width of 0.8m, a height of 0.8m and a depth of 0.12m. The maximum height of the lettering will be 40cm. Two acrylic panels will be installed into the existing light box consisting of a black background with white illuminated text.

The plans have been amended so that the vinyl sign to the shop front window has been removed, which included text describing the business. The total projection of the fascia sign has been reduced from 300mm to 200mm.

The frosting of the glazing to the front of the site to replace the formerly proposed vinyl sign does not require advertisement consent, and so does not form part of the proposal. It is also noted that the projecting sign could be displayed under deemed consent, without the requirement to apply for advertisement consent. The proposed fascia sign could be displayed under deemed consent if it were slightly smaller.

Policy Considerations

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 132 acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed. The paragraph also goes on to state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Development Plan Policies

Development plan policies relevant to this application are listed at the end of this report.

Other legal or policy context

As this is an Application for Advertisement and not for Planning Permission, it falls to be decided under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Regulation 3. (1) provides that “*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’ includes aural and visual amenity. Regulation 2 (a) provides that “*Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.*”

Regulation 2. (b) provides that “*Factors relevant to public safety include—*
(i) the safety of persons using any highway...;
(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign...;
(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.”

National Planning Policy Guidance (NPPG) (2014) Advertisements

Communities and Local Government (2007) *Outdoor advertisements and signs: a guide for advertisers.*

Institute of Lighting Professionals (ILP) *Professional Lighting Guide 05 the Brightness of Illuminated Advertisements* (2015)

Representations

24 objections were received, including after the plans were amended, suggesting and alleging the following:

- The proposed signs located opposite the memorial for the people who lost their lives in the Hinckley Road explosion are not appropriate.
- The signs are unsubtle and ugly, and are inappropriate near to a school and in a residential area.
- The content of the signs in advertising the permitted massage parlour use are inappropriate.
- A significant number of the objections also related to the approved use of the site under application ref no. 20190068. A number of objections also stated that the approved application was not publicised well enough and that the objections were not taken into account.
- Councillor Cassidy’s objection states that promoting this business’ services in this area, opposite the memorial of the Hinckley Road explosion in close proximity to the site, is inappropriate, insensitive and detrimental to the amenities of local residents and members of the local community.
Councillor Alfonso has supported these views

Five representations of support were also received stating the following:

- The signs seem reasonable, discreet and inoffensive. There are no images or offensive text and the proposal is just a sign at top where letter illuminated. There are no genuine reasons to oppose it.
- Illumination clearly only happens at night, therefore no children will be affected.
- Many other signs in this area currently illuminate, so the Council must be consistent.

- The representations of support also commented on other matters not related to the proposed signage such as the approved use of the site.

Consideration

In accordance with the Control of Advertisements Regulations (2007), the NPPG and paragraph 132 of the NPPF, the only relevant considerations are amenity and public safety.

Amenity

The Government's advice in *Outdoor advertisements and signs: a guide for advertisers* states that "among amenity considerations the authority must not include the content or subject-matter of an advertisement, nor whether an advertisement would offend public decency, or moral values". The NPPG (2014) also states that "Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals." The Committee is advised to make a decision on planning merits alone.

The proposed fascia sign will broadly match the existing fascia sign on site and the proposed projecting sign will match the size of the existing projecting sign on site. The proposed signs will be appropriately sized and sited so as not to appear overly dominant or cluttered to the front of the premises, and are consistent with similar signs within the Hinckley Road Local Shopping Centre. The colour finish of the fascia sign is preferable over exposed aluminium. The sign will be internally illuminated by LEDs and not by neon illumination. I therefore consider that the proposal will not harm the visual amenity of the host site or the surrounding area.

Public Safety

The site is located within Zone E4, as specified in the ILP's *Professional Lighting Guide 05*. The recommended maximum illumination within an E4 Zone is 600cd/m² for 0-10m² advertisements. As the illuminance level of the fascia sign will not exceed 600 candelas per square metre, I consider that the proposed static internal illumination will be acceptable with regards to both highway safety and visual amenity. I accordingly recommend a condition for maximum illumination of 600 candelas per square metre. The fascia and the projecting signs will have an acceptable height from ground to base to prevent obstruction to pedestrians or cyclists on the footpath below. The proposal is therefore acceptable with regards to public safety.

Conclusion

To conclude, the proposed signs are considered to be acceptable with regards to both amenity and public safety, subject to the recommended conditions in addition to the standard conditions. I therefore recommend EXPRESS CONSENT subject to the following conditions:

CONDITIONS

1. The light intensity of the signs shall not exceed 600 candelas per square metre. (To prevent excessive visual impact.)
2. The approved fascia sign shall not exceed the surface area of the fascia sign as shown in the amended plans ref no. Page 1 HR.A and Page 1 HR.B received by the City Council as local planning authority on 01/05/19. Other than the surface area of the approved fascia sign as shown in the amended plans ref no. Page 1 HR.A and Page 1 HR.B received by the City Council as local planning authority on 01/05/19, the approved advertisements shall not exceed or conflict with the conditions and limitations of Class 4B of Part 1 of Schedule 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), and any Regulation amending or revoking and replacing that Regulation with or without modification (For the avoidance of doubt.).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.