



Applicant:
EI Group PLC

Ref. No. DMPA/2019/0949
Made valid on: 5 September 2019

DECISION NOTICE

Description and location of proposal: Display of replacement signage consisting of 4 externally illuminated painted wall signs, one externally illuminated hanging sign supported by a decorative bracket and a non illuminated chalk board sign at The Old Talbot PH, 1 Main Street, Hilton, Derby, DE65 5FF

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby gives notice that permission/consent for the proposal as described above is hereby **Approved subject to the following Conditions:**

- 1 This consent shall expire at the end of a period of 5 years from the date of this decision, on or before which date the display of advertisement(s) shall be permanently discontinued, with any structure or hoarding used principally for the purpose of displaying the advertisement(s) removed.

Reason: In recognition that the principle of the advertisement(s) approved requires review in the interests of highway safety and amenity beyond the period of consent, thereby preventing operation of Deemed Consent provisions under Class 14 of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

- 2 The advertisements and associated lighting hereby given consent shall be in accordance with the following details only: 1:1250 Location Plan, received on 16th August 2019; Portland fixing brackets technical specification sheet, received on 4th September 2019; Portland Ecolux II technical specification sheet, received on 4th September 2019; LED Floodlight details, received on 4th September 2019; Advertisement specification details on the application form, received on 5th September 2019; 26905PL01 Page 3 of 9 Issue 3 Details of wall signs (Item 01, 02 and 03) and hanging sign with new decorative bracket Item 04), received on 30th September 2019; 26905PL01 Page 4 of 9 Issue 3 Details of Wall signs (item 05) and chalk board (Item 07), received on 30th September 2019; 26905PL01 Page 7 of 9 Issue 3 Proposed front elevation of building showing proposed signage, received on 30th September 2019; and 26905PL01 Page 8 of 9 Issue 3 Proposed side elevation of building showing proposed signage and decorative bracket, received on 30th September 2019; unless as otherwise required by a condition attached to this consent.

Reason: For the avoidance of doubt.

- 3 The intensity of illumination shall not exceed 800 candelas/sq.m and all illumination hereby approved shall be static only and shall not be illuminated by, or appear to be illuminated by, an intermittent, moving or flashing light source.

Reason: In the interests of safety on the public highway and the visual amenities of the area.

Richard Stewart

Authorised Officer of the Council

Date: 30 October 2019

You are advised of the following matters:

- a. This consent is also subject to the standard conditions as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Compliance with the following is necessary:
 - (i) 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;
 - (ii) 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.
 - (iii) 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;
 - (iv) 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; and
 - (v) 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.

In dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

Changes in intention: any deviation from the approved plans/drawings and/or details should be discussed with the Local Planning Authority in advance. This includes circumstances where the applicant/developer subsequently identifies inaccuracies with the approved documents or conflict with other regulatory requirements. A formal application to amend the proposals or secure a revised permission may be necessary. Failure to secure necessary approval may result in the commencement of enforcement proceedings.

Scope of this decision: this is a planning decision notice which, unless expressly applied for and stated in the description of development above, conveys no decision of associated planning consent (such as listed building or advertisement consent); nor does it convey a decision under, or override, supersede or negate, any other legislation or the need to comply with restrictive covenants under Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the adopted highway, including verges and pavements, is to be altered, the Local Highway Authority (Derbyshire County Council) should be contacted to establish its requirements.

Right of appeal to the Secretary of State: if you are aggrieved by the decision of your local planning authority to refuse permission or consent for your proposal or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, subject to the following:

- if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be made within 28 days of the date of this notice;
- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal, the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015) of the date of this notice, whichever period expires earlier;
- if this is a decision on an application for consent to cut down, top, lop, uproot or otherwise destroy a tree or trees protected by a tree preservation order, or for a decision on a lawful development certificate for proposed works to a listed building, any appeal must be made within 28 days of the date of this notice;
- if this is a decision on an application for advertisement consent, any appeal must be made within 8 weeks of the date of this notice;
- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- in all other cases, except for a decision on a lawful development certificate for an existing or proposed use or development, any appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get online at www.gov.uk/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State need not consider an appeal if it seems to them that the Local Planning Authority could not have granted planning permission or consent for the proposal or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found online at www.gov.uk/planning-inspectorate.

Purchase Notices: if permission is refused or granted subject to an unacceptable condition, and the owner of the property claims that the property has consequently become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development/work which has been or would be permitted, the owner may serve on the Council a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.