

Delegated Report

Planning Ref: 23/00579/ADV

Applicant: Mr Mike Clarke

Ward: Nailstone



Hinckley & Bosworth
Borough Council

**Site: Nailstone Colliery, Wood Road, Nailstone, Leicestershire,
CV13 1GE**

Proposal: Proposed installation of 1 non illuminated fascia sign, 2 internally illuminated fascia signs and 1 internally illuminated totem sign

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. This application seeks full planning permission for Multiple illuminated freestanding and building mounted signs, with non-illuminated vinyl signs.
- 2.2. Sign 1 is made of aluminium and measures 1.47m in height x 4.81m in width x 0.4m in depth. There would be 0.2m from the ground to the base of the advertisement & the maximum projection of the advertisement would be 0.1m. The maximum height of Individual letters and symbols would be 94cm with the colour of the text and background being white, grey and Logo. Sign 1 is internally illuminated to 45 cd/m2 with static illumination.
- 2.3. Sign 2 is a fascia sign made of aluminium & polycarbonate and measures 6.6m in height x 6.03m in width x 0.1m in depth. There would be 14.185m from the ground to the base of the advertisement & the maximum projection of the advertisement would be 0.1m. The maximum height of Individual letters and symbols would be 168.4cm with the colour of the text and background being white on cladding background. Sign 2 is internally illuminated to 45 cd/m2 with static illumination.
- 2.4. Sign 3 is a fascia sign made of aluminium & polycarbonate and measures 4.885m in height x 4.285m in width x 0.1m in depth. There would be 14.675m from the ground to the base of the advertisement & the maximum projection of the advertisement would be 0.1m. The maximum height of Individual letters and symbols would be 121.8cm with the colour of the text and background being white on cladding background. Sign 3 is internally illuminated to 45 cd/m2 with static illumination.
- 2.5. Sign 4 is made of Vinyl on glass and measures 10.6m in height x 2.5m in width x 0.1m in depth. There would be 0.15m from the ground to the base of the advertisement & the maximum projection of the advertisement would be 0.1m. The maximum height of Individual letters and symbols would be 100cm with the imagery as shown as an example, exact vinyl covering will change.
- 2.6. Sign 5 is made of Vinyl on glass and measures 8.977m in height x 4.02m in width x 0.1m in depth. There would be 1.785m from the ground to the base of the advertisement & the maximum projection of the advertisement would be 0.1m. The maximum height of Individual letters and symbols would be 100cm with various images that will change through the life of the sign.
- 2.7. Sign 6 is a Fascia sign made of Aluminium & Polycarbonate and measures 1.285m in height, 4.02m in width, 0.1m in depth. There would be 0.5m from the ground to the base of the advertisement & the maximum projection of the advertisement from the face of the building would be 0.1m. The maximum height of any of the individual letters and symbols would be 50cm. The sign would consist of a logo with white text

on cladding background. The sign would be internally illuminated to 45 cd/m2 with static illumination.

3 Description of the site and surrounding area

- 3.1. Planning permission was granted by the Secretary of State (under ref: 06/00980/OUT) for the remediation and redevelopment of the former colliery to provide a mix of uses including 93,109m2 of distribution and storage uses (Class B8), 1,862m2 of small business units (Use Classes B1(c), B2 and B8), the creation of a country park, landscaping, open space, new access and associated parking arrangements on 143 hectares of land. A signed unilateral undertaking accompanied the submission. This outline planning permission and subsequent reserved matters approval (ref: 14/00951/REM) is extant.
- 3.2. Planning permission was granted in 2020 for the construction of a distribution centre (Use Class B8) with ancillary office accommodation (Use Class B1(a), gatehouse and access arrangements, car parking (including access tower and bridge link), HGV bays, vehicle maintenance unit, refuse and recycling area, sprinkler tanks, landscaping and other associated works (ref: 20/00224/FUL).
- 3.3. Planning Permission (20/01278/CONDIT) has since been granted for a Variation of condition 2, 3, 4, 5, 14, 15, 18, 19 and 25 of planning permission 20/00224/FUL to enable a series of minor material amendments to be made to the originally approved development.
- 3.4. Located on the central part of the former Nailstone Colliery which closed in 1991, the application site forms part of the approved scheme referred to above. Occupying the extensive area of hardstanding which comprised of the former colliery buildings, rail sidings and coal stocking areas associated with the colliery works, the application site is restricted to the development plateau as approved under the outline planning permission which is already surrounded by spoil mounds from the former colliery.
- 3.5. The application site is located to the north-west of Nailstone with the B585 (Wood Road) forming the site's eastern boundary. The site is situated in a rural area between two principal routes of the A447 from Hinckley to Coalville and the A50/A511 between Leicester and Burton-on-Trent. The open land surrounding the former mine was included in the grant of outline planning permission for use as a country park divided into three areas. The northern part has consent to be converted to woodland planting with water areas and new footpath/trails; to the south further woodland planting is approved between the former coal stocking areas and Grange Road along with lakes and water features and to the east of Wood Road the approval is for woodland planting and conservation grassland to be managed for ecological enhancement with restricted public access. The deed of variation submitted with the previous application ensures that these country parks are created, maintained and managed.
- 3.6. Whilst the application site is located within a predominantly rural area, there are residential properties in Battram village to the north, along the east side of Wood Road, a farm known as Wiggs Farm and Grange Cottages off Grange Road.

4 Relevant planning history

07/00025/PP (06/00980/OUT)	Redevelopment of former colliery site to include storage and distribution uses	Appeal Allowed	06.03.2008
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	(Class B8), small business units (Classes B1(C), B2 and B8), a Country Park, Landscaping, Open Space and the formation of a new access		
10/00851/EXT	Extension of time for application ref: 06/00980/OUT for the redevelopment of former colliery site to include storage and distribution uses (Class B8), small business units (Classes B1 (C), B2 and B8), a Country Park, Landscaping, Open Space and the formation of a new access (Outline – with access)	Outline Planning Permission	14.02.2011
11/00837/CONDIT	Removal of condition no. 23 of planning permission 10/00851/EXT	Planning Permission	12.12.2011
14/00572/CONDIT	Variation of condition numbers: 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 16, 17, 21 and 24 of 10/00851/EXT to allow phasing of the development	Planning Permission	13.01.2015
14/00951/REM	Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 10/00851/EXT for the redevelopment of former colliery site to include storage and distribution uses (Class B8), small business units (Class B1 (C), B2 and B8), a country park, landscaping open space and the formation of a new access (accompanied by an Environmental Statement) (cross boundary application with North West Leicestershire District Council)	Reserved Matters Approved	24.04.2015
16/00567/FUL	Creation of new junction and service road and provision of associated landscaping and parking	Planning Permission	04.08.2017
17/00095/NOMAT	Non-material amendment to planning permission 10/00851/EXT to remove condition 24	Approved	02.03.2017

19/00988/DISCON	Application to discharge condition 2 attached to planning permission 14/00951/REM	Discharged	15.10.2019
20/00084/SCOPE	EIA screening opinion construction of a national distribution centre (use class B8) with ancillary office accommodation (use class B1(a)) Gatehouse and access arrangements, HGV bays vehicle maintenance unit, refuse and recycling area, car parking, landscaping and other associated works.	Opinion Issued	11.02.2020
20/00224/FUL	Construction of a distribution centre (Use Class B8) with ancillary office accommodation (Use Class B1(a), gatehouse and access arrangements, car parking (including access tower and bridge link), HGV bays, vehicle maintenance unit, refuse and recycling area, sprinkler tanks, landscaping and other associated works.	Planning Permission	31.07.20
20/01278/CONDIT	Variation of condition 2, 3, 4, 5, 14, 15, 18, 19 and 25 of planning permission 20/00224/FUL to enable a series of minor material amendments to be made to the originally approved development.	Planning Permission	16.02.2021
23/00261/NMA	Non material amendment to planning application 20/00224/FUL and 20/01278/CONDIT. Amendment to expand hardstanding and replace HV substation.	Planning Permission	24.04.2023

5 Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2 No letters of representation have been received
- 5.3 Nailstone Parish Council raised no objections to the application.

6 Consultation

- 5.4 There have been no objections from the following consultations:
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer

5.5 There have been no further responses to consultation.

Policy

5.6 Core Strategy (2009)

- Policy 7: Key Rural Centres

5.7 Site Allocations and Development Management Policies (SADMP) 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: Highway and Transportation
- Policy DM23: High Quality Shop Fronts and Advertisements

5.8 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

5.9 Other relevant guidance

- Desford Neighbourhood Development Plan (DNDP) (2021)
- Good Design Guide (2020)
- National Design Guide (2019)
- Highway Authority Design Guide

Appraisal

8.1. The key issues in respect of this application are:

- Assessment against planning policies
- Impact upon visual amenity
- Impact upon highway safety

Assessment against planning policies

8.2 Paragraph 136 of Section 12 of the NPPF states that, “The quality and character of places can suffer when advertisements are poorly sited and designed,” and, “Advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.” Policy DM23 of the SADMP sets out the circumstances in which applications for outdoor advertisements will be approved by the Borough Council.

Impact upon visual amenity

8.3 Policy DM23 of the Site Allocations and Development Management Policies DPD sets out the circumstances in which applications for outdoor advertisements will be approved by the Borough Council. Policy DM4 of the Site Allocations and Development Management Policies DPD sets out to protect the intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

8.4 The Guidance Notes for the Reduction of Obtrusive Light (2011) and the Institutions Professional Lighting Guide 05 (PLG05); The Brightness of Illuminated Advertisement advises that the maximum permitted recommended luminance for suburban areas is 600cd/sqm for illuminated areas up to 10sqm. The scheme is

within the requirements of PLG05 and only the text is illuminated within the specified signs. The internal halo lighting produces a soft glow which reduces light pollution and is considered to be appropriate in line with the guidance provided in the Good Design Guide.

- 8.5 Although the advertisements are within the countryside, they are not deemed to be harmful as they are situated on a development which already has planning permission and therefore the harm to the countryside is deemed to be minimal. Some of the signs would be viewable from the main road but would not affect highway safety. The internal illumination is not deemed to create too much light pollution within the countryside. The advertisements are intended to highlight the new development to passersby & visitors. Consent is sought for the advertisements from 02/01/2024 to 02/01/2034.
- 8.6 To summarise, the proposed signage is regarded as appropriately positioned and scaled and visually acceptable in terms of illumination, style, font and colours. For these reasons and supported by advice from LCC Highways, it is considered that the proposal has a neutral impact upon the character and appearance of the area, and consequently the proposal preserves its significance. As a result, the proposed signs would not have any undue impact on visual amenity in accordance with Policies DM4 and DM23 of the SADMP.

Impact upon highway safety

- 8.7 Policy DM23 of the SADMP states outdoor advertisements will be approved where they have no detrimental impact on public safety. Public safety means the considerations which are relevant to the safe use and operation of any form of traffic or transport (including the safety of pedestrians). Policy DM17 requires development to not have a significant adverse impact upon highway safety.
- 8.8 LCC Highways have been consulted and have no objections to the proposed. The application does not result in luminance levels exceeding 600cd/sqm for illuminated areas up to 10sqm as required by PLG05 and therefore, the application is considered to not have an adverse impact on highway safety and is in accordance with Policies DM17 and DM23 of the adopted SADMP and the adopted highway authority design guide.

9 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 Conclusion

Overall, the proposal is considered acceptable in terms of the visual impact on the wider area. The advertisements are also considered not to be detrimental to public safety including highway hazard and in this regard the recommendation is to approve.

11 Recommendation

11.1 **Grant planning permission** 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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Application Form (submitted: 12.06.2023)
 - Site Plan, Proposed Signage Drwg No. 79_E1450 STO 00XX DR A P0020 A5 Rev P01 (submitted: 12.06.2023)
 - Estate Site Proposed Signage Drwg No. 79_E1450 STO 02 XX DR A O3001 A5 Rev P01 (submitted: 12.06.2023)
 - Building Signage, Drwg No. 79_E1450 STO 02 XX DR A P3002 A5 Rev P01
 - Tower Signage Proposed Signage Drwg No. 79_E1450 STO 02 XX DR A P3003 A5 Rev P01
 - Site Location Plan Drwg No. G19A42-01-P003 (submitted: 12.06.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The advertisements hereby permitted shall not be carried out otherwise than in complete accordance with the details within the Application Form (submitted: 12.06.2023) and the above approved plans in Condition 2 received by the Local Planning Authority.

Reason: To ensure the visual amenity of the area to accord with Policies DM1 and DM23 of the Site Allocations and Development Management Policies DPD, 2016.

4. 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 2007.4.

a. **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.