

Delegated Report

Planning Ref: 24/00892/ADV
Applicant: Mrs Kate Steadman
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: The Green Orton On The Hill Leicestershire

Proposal: Erection of 6m flagpole

1. Recommendations

1.1. Grant advertisement consent subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks advertisement consent for the installation of a 6.00 metre flagpole at The Green, Orton on The Hill.
- 2.2. The flagpole would host the national flag of the United Kingdom.

3. Description of the site and surrounding area

- 3.1. The site relates to a village green to the south-west of the main highway, The Green, which is situated within Orton on the Hill. The village green is identified as key green and undeveloped open space that contributes positively to the character and appearance and thus heritage significance of the Orton on the Hill Conservation Area (see the Orton on the Hill Conservation Area Appraisal (2009)).
- 3.2. St Edith's Church neighbours the site along with a number of residential dwellings.

4. Relevant planning history

88/01503/4

- Conversion of farm outbuildings to residential accommodation.
- Refused
- 21.03.1989

22/00900/TCA

- T1 - Willow Removal of split and hanging limbs X2 reduction of remaining canopy by 3m to reshape and rebalance, T2 -Horse Chestnut Crown raise to 3m the canopy for access and mowing, removal of basal epicormics.
- Declined to Make
- 21.10.2022

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 comments have been received.

6. Consultation

6.1. Twycross Parish Council;

- No comments have been received.

HBBC Conservation Officer;

“Due to the limited scale of the proposed flag pole, and the proposal for national flags to be flown rather than for the purposes of advertisement, in my opinion the flag pole has a civic purpose and would be a neutral feature within the village green, resulting in no adverse impacts upon the character and appearance of the conservation area. Consequently, the proposal would preserve the significance of the conservation area and it therefore complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.”

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies 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: 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)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area and the Conservation Area
- Impact upon highway safety

Design and impact upon the character of the area and the Conservation Area

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated

heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

- 8.4 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 This proposal is for the erection of a flag pole by the Parish Council, located within the village green within Orton on the Hill. The village green is identified as key green and undeveloped open space that contributes positively to the character and appearance and thus heritage significance of the Orton on the Hill Conservation Area (see the Orton on the Hill Conservation Area Appraisal (2009)).
- 8.9 Schedule 1, Class H of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the erection of a flag pole which displays any country's national flag, civil design or civil air design under permitted development subject to the below conditions being complied with;
 - "1. A flag may not display any advertisement or subject matter additional to the design of the flag other than a black mourning ribbon.*
 - 1A. Subject to Part 4A, the flagstaff may not fly any flag or display any advertisement other than a black mourning ribbon.*
 - 2. In paragraphs (a) and (g) of this Class, "country" includes any of the Channel Islands, the Isle of Man and any British Overseas Territory."*
- 8.10 By virtue of the above, the proposal would fall under the remits of Schedule 1, Class H of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), nevertheless, as a formal planning application has been submitted for the purpose of good planning a brief appraisal has still taken place below.
- 8.11 Due to the limited scale of the proposed flag pole, and the proposal for national flags to be flown rather than for the purposes of advertisement, the flag pole has a civic purpose and would be a neutral feature within the village green, resulting in no adverse impacts upon the character and appearance of the conservation area. Consequently, the proposal would preserve the significance of the conservation area and it therefore complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990. Furthermore for the above reasons the flagpole respects the local context and character and complies with policies DM10 and DM23 of the SADMP.

Impact upon highway safety

- 8.12 Policy DM17 of the SADMP requires development to not have a significant impact upon highways safety.
- 8.13 Policy DM23 of the SADMP also requires advertisements to be of an acceptable level of luminosity so not as to lead to obtrusive light.
- 8.14 The size and position of the proposed flag pole would not give rise to an unacceptable level of pedestrian or vehicular safety. The proposed flag pole is also not to include any illumination.
- 8.15 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.

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.

10. Conclusion

- 10.1. Overall the proposal is deemed acceptable within the context of the street scene and would preserve the character and appearance of the area and Conservation Area. The proposed flag pole would not cause any significant impacts upon pedestrian or vehicular safety. The proposal is considered to be in accordance with Policies DM1, DM10, DM11, DM12 and DM23 of the SADMP, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990. The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1 **Grant advertisement consent** 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. 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.

3. The advertisement(s) hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Application Form; and
 - Photo of Flagpole as received by the Local Planning Authority on 23rd September 2024.

 - Site Location Plan as received by the Local Planning Authority on 14th October 2024.

Reason: To protect the visual amenity of the area to accord with Policies DM1, DM10, DM11, DM12 and DM23 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

11.3 **Notes to applicant**

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.