

**APPLICATION REFERENCE: PL/2020/02388/ADV**

**Site Address:** Unit 1 And 2 Prologis Park Progress Way Marston Green Solihull Solihull B40 1AB

<b>Proposal:</b>	Consent to install 4 No. externally illuminated wayfinding totems and 3 No. internally illuminated wall-mounted signs.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>The application has given rise to a substantial amount of public concern.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS.</b>
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**EXECUTIVE SUMMARY**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of *public safety* and *amenity*.

The proposed advertisements (as amended) and subject to a condition restricting the level of illumination at night, would not have a harmful effect on the amenity of the area or public safety. The proposal would, therefore, accord with Policies P14 (Amenity) and P15 (Securing Design Quality) of Solihull Local Plan and guidance in the Framework.

**PROPOSAL**

The scheme has been amended during the lifetime of the application with the wall-mounted sign proposed on the south elevation of Unit A (facing Blackfirs Lane) reduced in size from 5.7m to 4m in width, and 1.8m to 1.265m in height. The sign has also be lowered from 11.5 m to 8.5 m above ground level (measured from the base of the advertisement).

Advertisements consent is sought for the following signage.

SIGN	DESCRIPTION
4 x Wayfinding Totems	<p>Aluminium monolith sign mounted on ground, powder coated white with black and white text and blue vinyl.</p> <p>Proposed maximum luminance of external lighting is 400 cd/m<sup>2</sup>.</p> <p>1,200mm (w) x 2,200mm (h) x 78mm (d)</p>
South Elevation of Unit A	<p>Panel mounted sign with white satin illuminated letters with a blue and white logo on a grey panel mounted on a white background.</p> <p>Proposed maximum luminance of internal LED lighting is 600 cd/m<sup>2</sup>.</p> <p>4,000mm (w) x 1,265mm (h) x 140mm (d)</p> <p>8.5 metres from the ground to the base of the advertisement.</p>
South Elevation of Unit B	<p>Panel mounted sign with white satin illuminated letters with a blue and white logo on a grey panel mounted on a white background.</p> <p>Proposed maximum luminance of internal LED lighting is 600 cd/m<sup>2</sup>.</p> <p>4,000mm (w) x 1,265mm (h) x 140mm (d)</p> <p>5.1 metres from the ground to the base of the advertisement.</p>
East Elevation of Unit B	<p>Panel mounted sign with white satin illuminated letters with a blue and white logo on a grey panel mounted on a white background.</p> <p>Proposed maximum luminance of internal LED lighting is 600 cd/m<sup>2</sup>.</p> <p>5,735mm (w) x 1,800mm (h) x 140mm (d)</p>

## MAIN ISSUES

The main issue in this case is the effect of the proposed advertisements on:

- The amenity of the area;
- Public safety having regard to the safe operation of the highway;
- Other matters; and
- Conclusion.

## CONSULTATION RESPONSES

**Statutory Consultees** The following Statutory Consultee responses have been received:

Bickenhill Marston Green Parish Council - The Parish Council objects on the basis of light pollution into Blackfirs Lane. Furthermore, the Parish Council questions the need for such signs in the first place.

**Non Statutory Consultees** The following Non-Statutory Consultee responses have been received:

SMBC Highways – No objection

## PUBLICITY

The Government's PPG, under the advertisement heading at paragraph 30, advises that there is no statutory requirement for a local planning authority to publicise applications for advertisement consent, it should consider whether any application would affect the amenity of neighbours. Where it would affect them, it is good practice for the views of neighbours to be sought before determining an application.

The application has therefore been advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

12 responses were received, including from Councillor Sleight and Rolf

All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

### Amenity

- Concerns raised regarding location of signage and impact on local residents;
- Signage will affect residents' sleep;
- There is already enough light emitted from the site;
- The principle concern is one of light pollution impacting on properties in Blackfirs Lane and accordingly impacting on the amenity of the properties;
- The residents accept the principle of signs but object to them being illuminated;

- Light from the warehouses is already an issue for the residents and illuminated signs will exacerbate that;
- The signage is too large; and
- These signs when illuminated will cause light pollution onto the Green Belt.

#### Public safety

- The signage will be another hazard to contend to now that the Blackfirs Lane has been open up to lots of foot traffic.

#### Other matters

- Signage would be better placed facing Coleshill Heath Road.

### **PLANNING ASSESSMENT**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of *public safety* and *amenity*.

Regulation 3(1) of the Regulations states: 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.

Policies P14 (Amenity) and P15 (Securing Design Quality) of Solihull Local Plan seek to protect amenity and scale and design so are material in this case.

#### The effect of the proposed advertisements on the amenity of the area

The Government's PPG, under the advertisement heading at paragraph 79, sets out that in assessing amenity, the local planning authority should always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

The application site comprises a recently developed employment site that is situated adjacent to Birmingham Business Park. The site comprises two purpose-built industrial buildings with associated parking, manoeuvring areas / service yards and landscaping. Unit A measures ca. 15.35 m to ridge and provides ca. 6,610 sq m of floor space. Unit B measures ca. 18m to ridge and provides ca. 19,498 sq m for floor space. The buildings have subtle horizontal banding utilising a varied grey colour palette which is interspersed with vertical elements.

The surrounding area is characterised by a range of land uses. The area to the south of the site along Blackfirs Lane is residential in nature, with dwellings lining the southern side of the Lane. A ca. 5m high landscaped bund is situated between the application site and Blackfirs Lane. The landscaped bund and land to the south,

including Blackfirs Lane, is designated as Green Belt. To the north and east of the site, the immediate area is predominantly commercial in character due to the presence of Birmingham Business Park and the Rolls Royce plant. Consequently, the application site marks a transition between the residential area of Blackfirs Lane and the commercial area of Birmingham Business Park and the Rolls Royce plant.

The location of the proposed advertisements is shown on drawing number 6121-055 C (Proposed Site Plan).

- *South Elevation of Units A and B*

The proposed advertisement on Unit A will measure 4m in width and 1.265m in height and the base of the advertisement will be 8.5m above ground level. It would be internally illuminated with 12v LED illumination with a maximum luminance of 600 cd/m<sup>2</sup>. The advertisement would be located adjacent to an existing car park which has ca. 60 parking spaces and associated lighting. Abutting the car park is a landscaped bund which measures ca. 5m height. Beyond the landscaped bund is Blackfirs Lane which has residential properties to the south of the Lane.

The proposed advertisement on Unit B will measure 4m in width and 1.265m in height and the base of the sign will be 5.5m above ground level. It would be internally illuminated with 12v LED illumination with a maximum luminance of 600 cd/m<sup>2</sup>. The advertisement would be located adjacent to an existing car park which has ca. 150 parking spaces and associated lighting. Abutting the car park is a landscaped bund, and gabion wall which measures ca. 5m height. Beyond the landscaped bund and gabion wall is Blackfirs Lane and Bickenill Plantation.

In terms of scale of the proposed advertisements, considering the size of the Units A and B, officers consider the proposed advertisements are appropriately proportionate and sited and would not be out of keeping with the host buildings.

In addition to scale of the advertisements, the impact of the illumination requires careful consideration. Notwithstanding Blackfirs Lane proximity to the application site and wider commercial development of Birmingham Business Park and the Rolls Royce plant, the Lane still retains a pleasant semi-rural feel with mature trees and vegetation forming the northern boundary with the application site. The Lane, along with the landscaped bund within the boundary of the application site, is also designated as Green Belt. It is therefore important to ensure that any illumination does not have an adverse impact on the amenity of this semi-rural residential area.

In this regard, while the views of the proposed advertisements will be possible from Blackfirs Lane, there are a number of factors which govern how visible the advertisements will appear to local residents. The advertisement will be sited ca. 95m from Blackfirs Lane with views filtered by the landscaped bund and existing mature trees and vegetation along the northern boundary of the Lane. The advertisements will also be viewed against the backdrop of the host buildings. That being said, officers recognise that the impact of the advertisements on the amenity of the area will be more pronounced at night. Therefore, in the interests of amenity of the semi-rural residential area of Blackfirs Lane, officers consider it reasonable to impose a condition that the advertisement on the southern elevation of the buildings

(facing Blackfirs Lane) should operate at an illumination level no greater than 300 cd/square metre at night or 600 cd/square metre during the day. For the purposes of this condition, the lower illumination level should apply between the hours of 19.00 and 07.00.

Drawing matters together, while Blackfirs Lane has a semi-rural residential character, the application site marks a transition between this area and the commercial area of Birmingham Business Park and the Rolls Royce plant. Therefore, while the advertisements would be more noticeable than the current situation, considering their size in relation to the host buildings, separation distances to Blackfirs Lane, and intervening landscaping and planting; officers are content that, subject to conditions, they would not cause such a significant change to the application site so as to have an adverse effect on the amenity of the semi-rural residential area of Blackfirs Lane.

For the reasons given above, officers consider that the advertisement would not have a harmful effect on the amenity of the area. The proposal would, therefore, accord with Policies P14 (Amenity) and P15 (Securing Design Quality) of Solihull Local Plan and guidance in the Framework.

- *East Elevation of Unit B & Wayfinding Totems*

The advertisement proposed on the east elevations would be sited adjacent to the existing Prologis sign and be visible from Progress Way. The east elevation on which the sign will be sited faces the Rolls Royce plant and Birmingham Business Park, which is predominantly commercial in character. The proposal would not be out of scale with the host building and would not have a harmful effect on the visual amenity of the area. The advertisement would be internally illuminated however, considering the commercial character of the surrounding area, it would not cause such a significant change to the application site so as to have an adverse effect on the amenity of the surrounding area.

The proposed 4 x Wayfinding Totems would be located within existing parking and manoeuvring areas and would, therefore, not appear unduly prominent.

The proposal would, therefore, accord with Policies P14 (Amenity) and P15 (Securing Design Quality) of Solihull Local Plan and guidance in the Framework.

The effect of the proposed advertisements on the public safety, having regard to the safe operation of the highway

The Local Highway Authority have fully considered the proposal and advised that the advertisements are located appropriately so not to cause any highway or pedestrian safety implications. Subject to the imposition of conditions, officers are content that the proposed advertisement would not be detrimental to public safety.

## Other Matters

Public sector equality duty: In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, which is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human rights: In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). This is considered a proportionate response to the submitted application based on the considerations set out in this report.

## Conclusion

The proposed advertisements (as amended) and subject to a condition restricting the level of illumination at night, would not have a harmful effect on the amenity of the area or public safety. The proposal would, therefore, accord with Policies P14 (Amenity) and P15 (Securing Design Quality) of Solihull Local Plan and guidance in the Framework.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

The proposal is therefore recommended for approval subject to appropriate conditions.

## **RECOMMENDATION**

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. The intensity of the illuminance of the advertisement on the southern elevation of the building (facing Blackfirs Lane) shall be no greater than 300

candela/square metre during hours of darkness and no greater than 600 candela/square metre during the hours of brightness. For the purposes of this condition, the lower illumination level should apply between the hours of 19.00 and 07.00.

2. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);
3. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;
4. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
5. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and
6. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.