

PLANNING COMMITTEE – 26th NOVEMBER 2024**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 22/502132/ADV		
PROPOSAL Advertisement Consent for internally illuminated fascia signage and internally illuminated totem signage.		
SITE LOCATION Christine House London Road Upchurch Kent ME8 8PT		
RECOMMENDATION Delegate to the Head of Planning to grant advertisement consent subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Advertisement		
REASON FOR REFERRAL TO COMMITTEE The objection from Hartlip Parish Council is contrary to the Officer recommendation.		
CASE OFFICER Guy Martin		
WARD Bobbing, Iwade and Lower Halstow Ward	PARISH/TOWN COUNCIL Upchurch Parish Council	APPLICANT Solid Rock Holding Ltd AGENT Puffin Design Ltd
DATE REGISTERED 03.05.22	TARGET DATE 26.07.22	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted: 1025_LOC_L001 Site Location Plan (uploaded 27.04.22) 1025_SITE_L001 Existing Site Layout Plan (uploaded 27.04.22) 1025_ELEV_L001 Existing External Elevations (uploaded 27.04.22) 1025_ELEV_L002 Proposed External Elevations (uploaded 27.04.22) 1025_LOC-LOO3 Proposed External Elevations Coloured (uploaded 27.04.22) 1025_ELEV_L004B Proposed Signage Details (uploaded 02.04.24) 1025_ELEV_LOO5A Photographs (uploaded 02.04.24) 1025-SITE_L002A Proposed Site Layout (uploaded 02.04.24) Additional Information (uploaded 02.04.24) The full suite of documents submitted pursuant to the above application are available via the link below: -		

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAZW6UTYG5W00>

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is located in the countryside with a commercial building sited upon it and sits within a cluster of commercial development along the A2, London Road. To the east and west of the site lies separate car dealerships, both of which possess a commercial character with a number of signs and advertisements, larger footprint buildings and substantial hardstanding areas to the front. Highway signage, telegraph poles and lighting columns are all within close proximity of the application site.

2. PLANNING HISTORY

- 2.1 20/503637/FULL: Application approved on 07.04.2021 for Change of use of auto showroom and workshop (Sui generis) to a banqueting hall, with food processing and distribution (Class D2 and B2), including the creation of a mezzanine floor and alterations to fenestration. Change of use of 2no. residential bungalows (C3) to guest accommodation (C1) associated with the banqueting hall, including the erection of a single storey rear extension and loft conversion, including 2no. rear dormers and installation of 4no. rooflights to front. Erection of a wedding gazebo to rear of bungalows.
- 2.2 19/504657/FULL: Planning permission refused on 14.02.2020 and then later allowed on appeal on 28.04.2021 for Change of use of auto showroom and workshop (Sui Generis) to a banqueting hall, including food processing and distribution (Class D2 and B2), including the creation of a mezzanine floor and alterations to fenestration. (Resubmission of 19/503293/FULL).
- 2.3 19/503293/FULL: Application refused on 11.09.2019 for Change of use of auto showroom and workshop (Sui Generis) to a banqueting hall, including food processing and distribution (Class D2 and B2), including the creation of a mezzanine floor and alterations to fenestration.
- 2.4 SW/06/0176: Advertisement consent permitted on 06.04.2006 for 1 internally illuminated fascia sign, 4 non-illuminated 'customer parking' signs, 1 non-illuminated 'test drive' sign and 1 non-illuminated 'entrance' panel and refused on 06.04.2006 for 1 internally illuminated totem sign (split decision).
- 2.5 SW/04/0600: Planning permission granted on 08.07.2004 for Extension to workshop and parts department.
- 2.6 SW/04/0404: Advertisement consent permitted on 25.05.2004 for four internally illuminated signs and 3 non illuminated signs to external areas.

3. PROPOSED DEVELOPMENT

3.1 This application seeks advertisement consent for three internally illuminated fascia signs and one internally illuminated totem sign. The detailed design and size of the signs is described below:-

- Fascia Sign (1) – Static internally illuminated aluminium fascia sign with the wording 'BeulahB Lounge'. Measuring 0.915m high with a width of 6.7m and a depth of 0.08m, located 3.73m above the ground on the northern elevation of the building illuminated to 495 cd/m². The advertisement comprises of an aluminium sign case with Perspex backed lettering. The text and background will comprise of white letters on an aubergine coloured background.
- Fascia Sign (2) – Static internally illuminated aluminium fascia sign with the wording 'Christine House'. Measuring 1.04m high x 1.93m wide and a depth of 0.08m, located 2.04m above the ground, illuminated to 495 cd/m² and located on the northern-western elevation of the building. The text and background will comprise of white letters on an aubergine coloured background.
- Fascia Sign (3) – Static internally illuminated aluminium fascia sign with the wording 'BeulahB Suite'. Measuring 0.915m high x 5.85m wide with a depth of 0.08m, located 3.7m above the ground, illuminated to 495 cd/m² on the northern elevation of the building. The materials comprise of an aluminium sign case with Perspex lettering. The text and background will comprise of white letters on an aubergine coloured background.
- Totem Sign (4) – Static internally illuminated aluminium totem sign to 495cd/m² illumination, with the wording 'Christine House'. Measuring 1.45m high with a width of 1.4m and a depth of 0.16m with the base of the advertisement 3.69m above ground level. The sign comprises of an aluminium case with Perspex lettering. The text and background will comprise of white letters on an aubergine coloured background. The sign would be located adjacent to the vehicular entrance to the site set back 7m from London Road.

4. CONSULTATION

4.1 Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers and a notice was displayed at the application site. Full details of representations are available online.

4.2 No representations were received from neighbours.

- 4.3 In response to the first round of consultation Upchurch Parish Council objected to the application on the following grounds:

Comment	Report reference
Would be disappointed if there is harmful illumination in this countryside gap; harmful illumination should be avoided at all costs and there should be no illumination outside of trading hours.	See paragraphs 7.6 – 7.8

- 4.4 Hartlip Parish Council objected to the application on the following grounds: -

Comment	Report reference
Illumination in the countryside should be avoided at all costs and certainly should not be permitted outside working hours.	See paragraphs 7.6 – 7.8

- 4.5 In response to the second round of consultation Upchurch Parish Council responded setting out that they wished to withdraw their objection as a result of information regarding changes to lighting times; the positioning of the lights; light levels; and information regarding a nearby appeal.

- 4.6 In response to the second round of consultation, Hartlip Parish Council confirmed that their original objection as set out under paragraph 4.4 remains as their position.

5.0 REPRESENTATIONS

- 5.1 **Mid-Kent Environmental Health** – No objection provided that a condition ensures that the signs do not flash and the illumination levels within PLG05 are not exceeded.

- 5.2 **KCC Highways** – No objection subject to a condition requiring no flashing signage and that the luminance does not exceed the requirements of the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.

- 5.3 **National Highways** – No objections.

6.0 DEVELOPMENT PLAN POLICIES

- 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

- CP4** Requiring good design
- DM14** General development criteria
- DM15** New shopfronts, signs and advertisements

6.2 **Supplementary Planning Guidance SPG:**

The Design of Shopfronts, Signs and Advertisements SPG

7.0 ASSESSMENT

7.1 This application is reported to the Committee because Hartlip Parish Council have objected to the proposal. As this is an application for advertisement consent, as set out in the Advertisement Regulations the only matters for consideration are as follows:

- Amenity
- Public safety

Impacts on Amenities

7.2 Policy DM15 of the Swale Borough Local Plan and the Design of Shopfronts, Signs and Advertisements SPG seek to ensure that advertisements respond positively to the character of a locality and minimise harm to amenity. Policy DM15 and the SPG advise that such development should respect the character of the surrounding area and should not be excessive in quantity.

7.3 The SPG also states that the Borough Council will not normally permit advertisements outside town centres, particularly in sensitive areas such as residential areas and open countryside.

7.4 Although the site lies in the countryside, the application site is comprised of a commercial use and is surrounded by other active business premises. Three out of the four proposed signs would be situated on the building itself (known as Christine House) set back from the road by 24 metres. Given the size of the building, which amounts to a total floor area of 1445.7 square metres, the fascia signs are proportionate, subservient and in keeping with the character of the building.

7.5 The totem sign would be located adjacent to the vehicular entrance to the site, set back from the A2, which is a primary distributor road in the Borough, at a distance of 7 metres. Given that only one sign is located in this part of the site, the proposals are considered to be in compliance with the SPG where it states, in paragraph 4.3, that roadside facilities should be kept to a minimum.

7.6 Turning to the illumination of the proposed signage, it is important to recognise that it was of concern to Hartlip Parish Council, who raised concerns around excessive illumination in the countryside. Given the commercial character of this cluster of development, and appropriate level of signage, together with their set back from the road, it is considered that the internal illumination would have an acceptable impact upon visual amenities of the area and be in keeping with the

character of the surrounding premises. A recent appeal decision, (ref. APP/V2255/Z/21/3282811) at the adjacent Suzuki garage allowed an illuminated totem sign where the Inspector noted that the advertisement would not have a harmful effect on the visual amenities of the area. These conclusions are relevant to the determination of this application, whereby both sites are of a similar commercial character.

- 7.7 The Institution of Lighting Professionals 'Professional Lighting Guide 05 states that advert signs up to 10m² within a rural location should have a maximum level of illuminance of 400 cdm², and in a suburban location should have a maximum level of illuminance of 600 cdm². An example of a rural location in the Guide is defined as a "Village or relatively dark outer suburban locations" whilst a suburban location is defined as "Small town centres or suburban locations." The site does not fall neatly into either category and as such the views of KCC Highways were sought in respect of this matter. KCC Highways commented that for these specific purposes the site falls within a suburban location. On the basis of the presence of the A2 distributor road with its associated lighting, and the presence of commercial premises both upon and surrounding the site it is considered that this assessment is reasonable. As a result, the proposed level of illumination at 495 cdm² is acceptable. The site is restricted in terms of its hours of use via the planning permission granted on appeal, as originally submitted under ref. 19/504657/FULL. As a result, a condition is recommended below to only allow the advertisements to be illuminated during these hours.
- 7.8 Consequently, the proposal is considered to have an acceptable impact on the street scene and would reflect the character of the surrounding cluster of development. As a result, it would not have a harmful impact on the visual amenity of the area meeting the objectives of the policies DM14 and DM15 of the Swale Local Plan 2017, the Design of Shopfronts, Signs and Advertisements SPG and the NPPF.

Living Conditions

- 7.9 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, Local Plan policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight.
- 7.10 The signs are illuminated and static. The SBC Environmental Health Team were consulted on the proposal and had no objections to the signage subject to the illumination being static. The closest residential property to the signs (known as 'Muriel') is located immediately to the east of the commercial building on the site although within the application site boundary. None of the fascia signs face towards this property and the totem sign is located approximately 26m away.

Given the static nature of the illumination and the position of the signs within the site, together with separation from residential premises, the proposed development would have an acceptable impact on living conditions of neighbouring occupiers and comply with policy DM14 of the Swale Local Plan 2017 and the NPPF.

Public Safety

- 7.11 When considering public safety, the impact of new proposed signage on the safe use and operation of any form of traffic or transport including the safety of pedestrians, must be taken into account.
- 7.12 The proposed signage would be set back from the public highway ensuring that it would not obstruct views. KCC Highways were consulted on the proposal and had no objections subject to the lighting not flashing and meeting the requirements of the Institute of Lighting Professionals guidance. As referred to above, KCC Highways confirmed that the site lay within a suburban location and that the proposed illumination levels are appropriate. Subject to safeguarding conditions securing maximum levels of illumination, the proposed development is considered to be acceptable in relation to public and highway safety.

Conclusion

- 7.13 The proposed development would have an acceptable impact on amenity and public safety which are the only two matters that can be considered. Consequently, it would comply with the requirements of policies DM14 and DM15 of the Swale Borough Local Plan 2017 and the Design of Shopfronts, Signs and Advertisements SPG. It is therefore considered that advertisement consent be granted.

Conditions

- (1) 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.
- (2) 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.
- (3) 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.

(4) 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.

(5) 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: In accordance with the provisions of Regulation 2(1) of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

(6) The illumination of any sign hereby permitted shall not be of a flashing type.

Reason: In the interest of the highway safety and the amenities of the area.

(7) The maximum value of luminance of the advertisements hereby permitted must not exceed 495 cdm² (candelas per metre squared).

Reason: In the interest of the highway safety and the amenities of the area.

(8) The advertisements hereby approved shall only be illuminated between 8am – 1am Monday to Thursday and between 8am - 3am Friday to Sunday.

Reason: In the interest of the amenities of the area.

(9) The advertisements hereby permitted shall be installed in accordance with the following approved drawings: 1025_SITE_L002A (Proposed Site Layout) and 1025_ELEV_L004B (Proposed Signage Details).

Reasons: For the avoidance of doubt.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

