

APPLICATION: MA/11/1373 Date: 12 August 2011 Received: 16 August 2011

APPLICANT: Mr A. Phipps, Sainsbury's Supermarkets

LOCATION: SAINSBURYS, 34, HIGH STREET, HEADCORN, ASHFORD, KENT, TN27 9NE

PARISH: Headcorn

PROPOSAL: Advertisement consent for the installation of 2 externally illuminated fascia signs and 2 externally illuminated projecting hanging signs as shown on drawing numbers 301, and 303 received 12th August 2011 and 302 rev A received 11th October 2011.

AGENDA DATE: 3rd November 2011

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV8, ENV34
- South East Plan 2009: CC1, CC6, BE1, BE5, BE6
- Village Design Statement: Not applicable
- Government Policy: Government Policy: PPS1 Delivering Sustainable Development, PPS5 Planning and the Historic Environment, PPG19 Outdoor Advertisement Control, Circular 03/2007 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. HISTORY

2.1 Development Management:

- MA/05/0956 - An application for advertisement consent for the installation of 2 No. externally illuminated fascia signs, 1 No. new projecting sign within existing frame (lit by external strip lighting). 1 No. additional projecting sign (lit by external strip lighting), 2 No. non-illuminated advertisement panels, new colouration, text and logos to existing windows and new ATM fascia – SPLIT DECISION
- MA/03/0803 - An application for advertisement consent for the erection of an illuminated wall mounted sign – REFUSED, DISMISSED AT APPEAL
- MA/02/1045 - An application for the display of two non-illuminated canister lettering signs to front and side of building - APPROVED WITH CONDITIONS

- MA/02/0331 - An application for advertisement consent for 2No. internally illuminated fascia signs and 1No. externally illuminated projecting sign – SPLIT DECISION
- MA/98/1314 - Installation of new externally illuminated fascia & projecting signage and new illuminated wall mounted sign - APPROVED WITH CONDITIONS
- MA/98/1174 - Variation of condition 7 of permission MA/97/1775 (permitting the store to trade to 22.30hrs) to permit the store to trade to 22.00hrs - APPROVED WITH CONDITIONS
- MA/ 98/0997 - Advertisement application for two externally illuminated signs - APPROVED WITH CONDITIONS
- MA/97/1775 - Construction of a new village store (use class A1) with an automatic teller machine (being an ancillary A2 use) with parking area for 31 cars, associated pedestrian footpath, refuse store and delivery lay-by - APPROVED WITH CONDITIONS
- MA/97/1774 - An application for Conservation Area Consent for the demolition of a building - APPROVED WITH CONDITIONS

2.2 Enforcement:

- ENF/8374 - Strip lighting in breach of planning permission

2.3 Planning permission and conservation area consent were granted for the redevelopment of the site for retail purposes under the provisions of MA/97/1774 and MA/97/1775. Planning permission MA/97/1174 subsequently varied the hours of operation of the development.

2.4 Of particular note is MA/05/0956, an application for similar advertisements which was reported to Planning Committee with a recommendation for approval. Members overturned the recommendation and issued a split decision, refusing advertisement consent for the illuminated projecting signs.

2.5 The refused signs were nonetheless erected, and subsequently became the subject of an enforcement investigation (ENF/8374), which was opened in November 2005. The investigation concluded that it was not expedient to pursue formal enforcement action in this case. Subsequently the consent for advertisements under MA/05/0956 expired with the result that all advertisements on the building were in breach of planning control, and the occupiers were advised that steps should be taken to regularise the situation. The enforcement case remains open.

3. **CONSULTATIONS**

3.1 PARISH COUNCIL: Headcorn Parish Council wish to see a split decision as follows:

"We would wish to see APPROVED the installation of the 2 externally illuminated fascia signs.

We would wish to see REFUSED the 2 externally illuminated projecting hanging signs as they would be harmful to the character and appearance of our conservation area, which is as per the Council's decision notice dated 16th May 2005 under reference MA/05/0956. It is felt that if this application was approved then a clear precedent would be set and other shops would follow suit. We would wish for this to be reported to the planning committee."

- 3.2 MAIDSTONE BOROUGH COUNCIL CONSERVATION OFFICER: Raises no objection to the proposal, and makes the following detailed comments:

"The externally-illuminated signs as proposed will have no adverse impact on the character of the conservation area in my opinion."

- 3.3 KENT COUNTY COUNCIL HIGHWAY SERVICES OFFICER: Raises no objection to the proposal.

4. REPRESENTATIONS

- 4.1 NEIGHBOURS: One representation was received which raised concern about the proposed lighting and the impact of this on the character and appearance of the High Street.

5. CONSIDERATIONS

5.1 Site and Surroundings

- 5.1.1 The proposal site is located to the south of the High Street in Headcorn, a classified highway (A274), and comprises a detached two storey building purpose built for retail under the provisions of MA/97/1775. The site is located within the Headcorn Conservation Area, and in close proximity to a number of listed buildings.

- 5.1.2 The site is located within the Low Weald Special Landscape Area, and in the "High Street, Headcorn" local retail centre, as defined in the Maidstone Borough-Wide Local Plan 2000.

5.2 Proposal

- 5.2.1 Advertisement consent is sought for two externally illuminated fascia signs and two externally illuminated projecting signs. One fascia sign would be affixed to the east elevation of the building, and the other advertisements would be to the front (north) elevation of the building, which forms the site frontage with the High Street.

- 5.2.2 Fascia sign to east elevation:

This advertisement would measure 0.725m by 5.135m by 0.1m, and would have a height to its base of 2.63m. The maximum height of the lettering would be 40cm, and it would read "Sainsbury's Local". The sign would be externally illuminated by 5 existing swan neck lights.

- 5.2.3 Fascia sign to north elevation:

This advertisement would measure 0.725m by 11.725m by 0.1m, and would have a height to its base of 2.93m. The maximum height of the lettering would be 40cm, and it would read "Sainsbury's Local" and would also state the hours of operation of the retail unit as "7am-10pm daily" (twice). The sign would be externally illuminated by 12 existing swan neck lights.

5.2.4 2No. projecting signs to north elevation:

The easternmost of the two projecting signs would measure 0.6m by 0.9m by 0.01m, and would have a height to its base of 2.63m. The maximum height of the lettering would be 12.5cm, and it would read "Sainsbury's Local". The sign would be externally illuminated by strip lighting to both sides.

5.2.5 The westernmost of the two projecting signs would measure 0.6m by 0.9m by 0.01m, and would have a height to its base of 3.025m. The maximum height of the lettering would be 12.5cm, and it would read "Sainsbury's Bank". The sign would be externally illuminated by strip lighting to both sides and would be positioned over the existing ATM.

5.2.6 The current application has been submitted in response to the expiry of the existing advertisement consent granted under MA/05/0956, which granted consent for the fascia signs, and the enforcement investigation detailed above, which relates primarily to the projecting signs.

5.2.7 The proposed advertisements are similar to those applied for under the previous consent but differ in relation to the detailed design. The advertisements would be in the standard corporate livery of Sainsbury's.

5.2.8 Specific details of the advertisements are set out in the application form and shown on drawing numbers 301 and 302 received 12th August 2011, and drawing number 303 received 11th October 2011.

5.3 **Assessment**

Policy Considerations

5.3.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and PPG19 set out the considerations to be taken into account in the determination of such applications, restricting them to those of visual amenity, in terms of the particular qualities and characteristics of the locality; highway and public safety; and the provisions of the Development Plan, so far as they are material.

5.3.2 In the case of Maidstone there is a specific policy in the Maidstone Borough-Wide Local Plan 2000 (ENV8) which relates to advertisements and requires that consideration be given to the size, design, positioning, colour and method of illumination and their relationship with both the building they are attached to and the surrounding area. The policy also requires that the standard of design is appropriate for the location of the site.

5.3.3 In addition, the site is within the Headcorn Conservation Area, and in close proximity to listed buildings, and as such proposals for development should be assessed in accordance with policy BE6 of the South East Plan, and central government planning policy as set out in PPS5 Planning and the Historic Environment, whilst policies CC1 and CC6 of the South East Plan 2009, seek to secure a high quality of design which respects and if possible enhances the built and natural environment. Policy BE5 requires that proposals for village sites be subject to scrutiny in order that the character of the village is not damaged.

5.3.4 The issue of residential amenity is not covered by the scope of the legislation, if a statutory light nuisance were to result from the advertisements, it would be controlled through separate legislation, in this case the Environmental Protection Act 1990.

Planning Considerations

5.3.5 The design, scale and overall appearance of the proposed advertisements are considered to be acceptable in the context of the streetscene.

5.3.6 Objection has been raised by the Parish Council in regard to the strip lighting proposed to the projecting signs to the north elevation. Whilst these comments are noted, it is considered that this element of the proposal is not unacceptable given the village centre location, which is characterised by commercial development and recognised in the Local Plan as a retail centre, and is well lit by other forms of lighting. The Maidstone Borough Council Conservation Officer raises no objection to the proposal in respect of its impact upon either the character or appearance of the Headcorn Conservation Area or the setting of the nearby listed buildings.

5.3.7 Members will be aware that the current enforcement case, which concluded in 2009 that the introduction of the strip lighting in breach of the previous split decision was not expedient to pursue as detailed above in paragraph 2.5, is a material consideration in the determination of the current application.

5.3.8 No objection has been raised in respect of the swan neck lighting to the fascia signs, or the fascia signs themselves.

5.3.9 It is not considered that the proposal would result in harm to the character or appearance of the Special Landscape Area.

5.3.10 The advertisements, although sited in close proximity to the highway, are not unduly prominent or obstructive to the visibility of highway users, and would not serve to distract drivers. Consequently, the proposal would not affect highway safety. The Kent County Council Highway Services Officer raises no objection to the proposal.

5.3.11 For the reasons set out above, in the circumstances of this case I consider that the proposal is, on balance, acceptable.

5.4 **CONCLUSION**

5.4.1 Taking all of the above into account, it is considered overall that the proposal complies with Development Plan policy and the central government planning policy and guidance as set out in PPG19. I therefore recommend to Members that advertisement consent is granted subject to the following conditions.

6. **RECOMMENDATION**

GRANT ADVERTISEMENT CONSENT subject to conditions:

1. (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.

(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.

Reason: In accordance with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The advertisement(s) for which consent is hereby granted must be removed in accordance with condition 1 (iii) within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.