

APPLICATION: MA/12/0116 Date: 25 January 2012 Received: 26 January 2012

APPLICANT: Kwik Fit Properties Limited

LOCATION: 188, LOOSE ROAD, MAIDSTONE, KENT, ME15 7UF

PARISH: Maidstone

PROPOSAL: An application for advertisement consent for the installation of 1No. internally illuminated fascia sign, 1No. non-illuminated fascia sign, 1No. internally illuminated wall mounted sign, 2No. non-illuminated wall mounted sign and 1No. internally illuminated totem advertisement as shown on the site location plan and 6No. drawing numbers Kwik-Fit\Maidstone\Proposal\01 received 25th January 2012.

AGENDA DATE: 19th April 2012

CASE OFFICER: Catherine Slade

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

- it has been called in to Planning Committee by Councillor Chittenden.
- a petition with more than 100 signatures has been received.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV8
- South East Plan 2009: CC1, CC6, BE1
- Government Policy: National Planning Policy Framework 2012, Circular 03/2007 Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Other: Loose Road Character Area Assessment Supplementary Planning Document 2008, Institute of Lighting Engineers Technical Report No3 Brightness of Illuminated Advertisements

## **2. HISTORY**

2.1 The site has an extensive development control history, the most recent relevant parts of which are summarised below.

- MA/04/1743 - Change of use of the premises to allow it to be used as an MOT testing station for motorcycles class I and class II - APPROVED WITH CONDITIONS
- MA/04/0528 - An application for advertisement consent for the installation of 2 no. internally illuminated fascia signs and 1 no. internally illuminated totem sign - APPROVED WITH CONDITIONS
- MA/02/1871 - An application for advertisement consent for an internally illuminated pole-mounted forecourt sign - APPROVED WITH CONDITIONS
- MA/02/1553 - An application to vary condition 07 of MA/02/1052 to allow vehicles weighing up to 17.5 tonnes to enter the site - APPROVED WITH CONDITIONS
- MA/02/1052 - Change of use from Sui Generis motor showroom and workshop to use class A1 with new shop front - APPROVED WITH CONDITIONS
- MA/02/1005 - An application for advertisement consent for internally illuminated pole-mounted forecourt sign, internally illuminated fascia sign, a non-illuminated rear delivery entrance sign and non illuminated opening hours sign on the front elevation - SPLIT DECISION

2.2 Planning permission was granted in 2002 (together with other related consents) for the change of use of the building to an A1 retail unit, however this permission has not been implemented. The more recent applications from 2004 for the change of use of part of the building for MOT-ing and advertisement consent (including the introduction of illuminated fascia signs to the front (east) and side (north) elevations and an illuminated totem on the forecourt) have been implemented. The site has historically been used as a petrol station and motor vehicle garage and salesroom.

### **3. CONSULTATIONS**

3.1 KENT COUNTY COUNCIL HIGHWAY SERVICES OFFICER: Raises no objection to the proposal subject to a condition requiring the maximum luminance of the advertisements to be in accordance with ILE guidance.

### **4. REPRESENTATIONS**

4.1 COUNCILLOR CHITTENDEN: has concerns in relation to the proposed advertisements, relating to the activities of the proposed occupiers of the premises, and the potential implications for car parking, access and disturbance to local residents.

4.2 Loose Residents Association: raised concerns relating to highway safety and residential amenity.

4.3 A petition with over 100 signatories was received with the following text:  
"RSR Car wheels and exhaust are opening a MOT centre 188 Loose Road Maidstone.

If you feel that this is a further danger to pedestrians please sign to show your disapproval.

If you feel it will affect your business or effect where you live please sign to show your disapproval."

4.4 NEIGHBOURS: Two representations were received which raised the following concerns:

- Harm to residential amenity as a result of the introduction of illuminated advertisements to the north elevation of the site.
- Highway safety, parking and congestion issues; noise and fume disturbance; and harm to local businesses as a result of the use of the premises as an exhaust, tyre and MOT centre.

4.5 Concern was also raised in respect of procedural issues relating to the planning permission granted under MA/04/1743 for the use of the land as an MOT testing centre.

## **5. CONSIDERATIONS**

### **5.1 Site and Surroundings**

5.1.1 The site is located on the south west of the junction between the A229 Loose Road and North View, an unclassified no through road, and approximately 80m to the north of the traffic light controlled junction formed by Loose Road, Sutton Road (the A274) and Cranborne Avenue.

5.1.2 The site is located in the north west of the Loose Road Area Character Assessment within the defined urban boundary of Maidstone, but has no other environmental or economic designations in the Maidstone Borough-Wide Local Plan 2000.

5.1.3 The site comprises a single storey mid twentieth century warehouse type building of no particular architectural or historic merit, which is wholly in

commercial use. Off road parking is provided on a forecourt to the front (east) of the building, and vehicular access/egress is gained from both Loose Road and North View.

5.1.4 The southern elevation of the building is located immediately adjacent to the northern end of a terrace of four two storey buildings forming a "parade" which are in use for Class A purposes at ground floor level with residential accommodation above. Residential properties are located to the north, west and east of the site.

## 5.2 **Proposal**

5.2.1 Advertisement consent is sought for six advertisements; two to the front (east) elevation, two to the side (north) elevation; and a totem located on the forecourt adjacent to the Loose Road. The details of the advertisements are as follows:

5.2.2 Fascia sign to east elevation (sign 1 in application documentation):  
The advertisement occupies the central part of the site frontage formed by the gable above the customer entrance, and would have a height to its base of 4.2m. The maximum height of the lettering would be 79cm, and would read "Kwik Fit". The sign is proposed to have static internal illumination with an illuminance level of 800cd/m.

5.2.3 Fascia sign to east elevation (sign 2 in application documentation):  
This advertisement is located below "sign 1" on the site frontage, and would have a height to its base of 2.8m. The maximum height of the lettering would be 30cm, and it would read "TYRES EXHAUSTS BRAKES MOT SERVICING". This sign would have no illumination.

5.2.4 Totem sign on forecourt in east of site (sign 4 in application documentation):  
The totem structure would have a height of 4.5m and a height to the base of the advertisement of 3.6m. The advertisement be double sided, each face having an area of 1.21m<sup>2</sup> (a height and width of 1.1m). The maximum height of the lettering would be 64cm and it would read "Kwik Fit". The sign is proposed to have static internal illumination with an illuminance level of 800cd/m.

5.2.5 Fascia sign to north elevation (sign 5 in application documentation):  
The advertisement would be located on the north elevation of the building fronting North View, and would have a height to its base of 1.2m. The maximum height of the lettering would be 30cm, and would read "Kwik Fit WELCOME TO MAIDSTONE". This sign would have no illumination.

5.2.6 Fascia sign to north elevation (sign 6 in application documentation):

The advertisement would be located on the north elevation above sign 5, and would have a height to its base of 2.8m. The maximum height of the lettering would be 79cm, and would read "Kwik Fit". The advertisement would be similar in scale and appearance to sign 1. The sign is proposed to have static internal illumination with an illuminance level of 800cd/m.

5.2.7 The advertisements would be in the corporate livery of "Kwik Fit".

5.2.8 Although a third advertisement (sign 3 in application documentation) to the front (east) elevation is shown on the submitted documentation (a non-illuminated opening times sign) this is not included within the scope of the current application as it can be displayed under "deemed consent" and therefore does not require express consent.

5.2.9 The current application relates only to the advertisements, and not to any use of the building, whether requiring planning permission or not.

### 5.3 **Assessment**

#### Policy Considerations

5.3.1 Members will be aware that in determining applications for advertisement consent the matters for consideration are restricted by legislation and government guidance to those of public safety and visual amenity.

5.3.2 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and NPPF 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.

5.3.3 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.

5.3.4 The issue of residential amenity is not covered by the scope of the legislation. In the case that 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 which mainly comprises a commercial area (albeit one located in a predominantly residential area) and the appearance of the building, which is industrial in character. It is of note that illuminated fascia signs to both elevations and an illuminated totem have previously been approved under MA/04/0528. On these grounds it is considered that there is no objection to the proposal on the basis of their design or overall appearance. Although the Loose Character Area Assessment SPD recognises that the design and condition of the shopping parade are negative features in the streetscape, it is considered that in this context of the run down appearance of the vacant unit the introduction of signage to the facing elevations would result in a positive contribution to the streetscene.
- 5.3.6 The Kent County Council Highway Services Officer raises no objection to the proposal subject to details of illuminance. The advertisements, although facing the highway, are set back from the edge of the main carriageway, and are not unduly prominent or obstructive to the visibility of highway users and do not serve to distract drivers being seen in the context of existing street lighting. Consequently, it is concluded that the advertisements do not affect highway safety. Comments were made by the engineer in regard to the illuminance levels, suggesting that they be in accordance with guidance published by the Institute of Lighting Engineers (ILE). In this case the three illuminated signs would be illuminated at levels of 800cd/m, which satisfies the thresholds for maximum luminance for advertisements in small town centre or urban settings such as this, as set out in the ILE Technical Report No3 and therefore conditions in this respect are not considered necessary.
- 5.3.7 Notwithstanding the above, in order to safeguard the visual quality of the site and its setting, it is considered appropriate and necessary to condition the advertisements to be illuminated only during the hours of operation of the site.
- 5.3.8 For the reasons set out above, in the circumstances of this case I consider that the proposal is, on balance, acceptable, subject to the condition set out in the preceding paragraph.

### Other Matters

- 5.3.9 Objection has been raised to the application on the grounds that the use of the site by Kwik Fit would result in additional traffic and processes which would give rise to dangerous highway conditions, inappropriate and unlawful car parking and general disturbance to neighbouring residents, as detailed above.

5.3.10 The current application is for advertisement consent, and the proposed use of the building by the applicant is not a matter for consideration.

I have sought the views of the Council's legal services section on the issue of whether the intended use requires planning permission. They have confirmed that in light of the planning history of the site and the previous consents for development, in particular planning permission MA/04/1743, it is not considered that planning permission would be required for the intended use of the premises by Kwik Fit.

5.3.11 Harm to neighbouring businesses as a result of disturbance is not a matter for consideration in the determination of applications for advertisement consent.

5.3.12 Concern has been raised with regard to procedural issues surrounding a previous application on the site, however these do not appear to have been raised at the time, and the Council's records indicate that the necessary publicity and neighbour notifications were undertaken in the correct manner.

## **6. CONCLUSION**

6.1 Taking all of the above into account, it is considered overall that the proposal complies with Development Plan policy. I therefore recommend to Members that advertisement consent is granted subject to the following conditions.

## **7. 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.

3. The advertisements hereby approved shall only be illuminated when the premises is open for business;

Reason: In order to avoid an unnecessary proliferation of illuminated signage that may be detrimental to the character of the area in accordance with policy ENV8 of the Maidstone Borough-Wide Local Plan 2000.

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.