

APPLICATION: MA/12/0984 Date: 25 May 2012 Received: 29 May 2012

APPLICANT: Mr W. Masoudi

LOCATION: 34, HIGH STREET, MAIDSTONE, KENT, ME14 1JH

PARISH: Maidstone

PROPOSAL: Advertisement consent for the installation of 1(no) externally illuminated fascia sign and 1(no) externally illuminated projecting sign as shown on site location plan, block plan, signage details and unnumbered elevations and floor plan received 29/05/12.

AGENDA DATE: 26th July 2012

CASE OFFICER: Kathryn Altieri

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

- The Council has a land ownership interest.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV8
- South East Plan 2009: BE6
- Village Design Statement: N/A
- National Planning Policy Framework

2. HISTORY (1974+)

- MA/12/0999 - Installation of shopfront and associated works - under consideration
- MA/12/0684 - Advertisement consent for the installation of 1(no) internally illuminated fascia sign and 1(no) internally illuminated projecting sign - withdrawn
- MA/12/0568 - Installation of new shop front and associated works - withdrawn
- MA/12/0684 - Advertisement consent for the installation of 1(no) internally illuminated fascia sign and 1(no) internally illuminated projecting sign - withdrawn
- MA/12/0023 - Variation of condition 3 of planning permission MA/11/1147 (any activity (including cleaning) in connection with the use of the premises shall only

take place between the hours of 9am and midnight on Mondays to Saturdays and 10am to 11:30pm on Sundays, Bank Holidays – approved/granted with conditions

- MA/11/1147 - Change of use from A1 (retail) to A5 (hot food takeaway) and installation of extract system – approved/granted with conditions
- MA/04/0388 - An application for advertisement consent for a non-illuminated fascia advertisement on the front elevation – approved/granted with conditions

3. CONSULTATIONS

- Conservation Officer: Raised objections on heritage grounds to the previous advert consent MA/12/0684, as the signage was to be internally illuminated.

4. REPRESENTATIONS

- 1 response raised concerns that the signage is not in keeping with the surrounding area.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site relates to a general rectangular shaped plot that is occupied by an end of terrace, two storey building that fronts onto the High Street, some 40m to the west of the junction with Mill Street. The site was previously a furniture shop but has recently been given planning permission for a change of use to A5 (takeaway) use. This building is largely glazed to the front and there is a vehicle access along its south-western flank that leads to a car park at the rear. The properties either side of the application site are Grade II listed and the site does fall within the Maidstone Centre Conservation Area. The surrounding area largely consists of differently styled buildings with varying commercial and residential uses and to the rear of the site is a private car park with residential flats on its eastern (3-5 Medway Street) and western (Tumim House) edges.

5.1.2 The application site is also in the 'tertiary town centre' area, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.2 Background information

5.2.1 Advert consent for internally illuminated signage was being considered under MA/12/0684. However, after objections from the Council's Conservation Officer, this application was withdrawn. The signage currently in place is temporary and the applicant is aware that its installation is unlawful.

5.2.2 It should also be noted that the new shop front that has already been installed at 34 High Street is unacceptable and unlawful, and that this issue is being considered under planning application MA/12/0999.

5.2.3 A Planning Enforcement investigation is open on this site (ENF/12134), and any further enforcement action is dependent on the outcome of this planning application and advertisement consent (being considered under MA/12/0984).

5.3 Proposal

5.3.1 This application is for the installation of one externally illuminated fascia sign and one externally illuminated projecting sign.

5.3.2 The proposed fascia sign would measure some 0.9m in height, 4.6m in width and 0.1m in depth; and its base would be set 2.5m above ground level. The proposed projecting sign would measure some 0.9m in height, 0.75m in width and 0.1m in depth; and its base would be set 2.5m above ground level.

5.3.3 The illumination levels for both adverts would be 675cd/m².

5.4 Principle of Development

5.4.1 The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 relating to this type of proposal is Policy ENV8. This policy allows new adverts provided that, in terms of scale and design, they would not be detrimental to the character and appearance of the surrounding area. Policy BE6 of the South East Plan 2009 is also of relevance and I will consider the proposal against the criteria set out in these policies.

5.4.2 The National Planning Policy Framework also states;

"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

5.5 Impact upon surrounding area

5.5.1 The site is within the town centre and the stated illuminance levels for the signage of 675cd/m² is acceptable and in accordance with 'The Institution of Lighting Engineers Technical Report (5) – Brightness of Illuminated Advertisements'. I therefore consider that this proposal, because of its scale,

design, height, town centre location and illumination levels (that is by way of an overhead light trough), would not have an adverse impact upon the amenity of the occupants of any near-by residential property or upon public/highway safety.

5.5.2 The proposed signage is also considered to be well proportioned and appropriately positioned, set below the first floor level glazing, and therefore fully respecting the host building's existing form.

5.5.3 I therefore consider the proposed signage to be suitable and take the view that it would not have a significant detrimental impact upon the setting and character of the host building, the near-by listed buildings, or the Maidstone Centre Conservation Area. I do not consider that the proposal would be significantly intrusive or out of character with the site itself or the surrounding area.

6. CONCLUSION

6.1 The issues raised by the one representative have been dealt with in the main body of the report.

6.2 It is therefore considered overall that the proposal is acceptable with regards to the relevant provisions of the Development Plan and all other material considerations such as are relevant. I therefore recommend approval of this advert consent on this basis.

7. RECOMMENDATION

GRANT ADVERTISEMENT CONSENT subject to the following 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 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 illumination of the sign hereby permitted shall not be of a flashing type;

Reason: To protect the visual amenity of the surrounding area. This is in accordance with policy ENV8 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

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.