

APPLICATION: MA/12/1851 Date: 15 October 2012 Received: 15 October 2012

APPLICANT: Jennifer Hunt, Maidstone Borough Council

LOCATION: FLAGPOLES AT JUBILEE SQUARE & MAIDSTONE MUSEUM, HIGH STREET & ST FAITHS STREET, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Retrospective advertisement consent to display three flags on flagpoles on Jubilee Square and two flags on flagpoles in Brenchley Gardens as shown on the site location plans, block plans elevation plans and the flagpole particulars received on 15/10/12 and the email from the Economic Development Manager received on 20/12/12.

AGENDA DATE: 31st January 2013

CASE OFFICER: Angela Welsford

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

- The Council is the applicant.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV8
- South East Plan 2009: BE1, BE6
- Village Design Statement: Not applicable.
- Government Policy: National Planning Policy Framework.

2. BACKGROUND

2.1 This application was withdrawn from consideration at Planning Committee on 22/11/12 to allow further discussions to take place between Officers and Members regarding the flag poles and banners at the Museum site. Those discussions have now taken place and the outcome is set out in paragraph 6.4.2 below.

3. HISTORY

3.1 Jubilee Square

Of most relevance are:-

MA/10/0692 An application for listed building consent for the relocation of the cannon and its placement on a new plinth together with installation of lighting to illuminate the Queen's Monument, the relocated cannon and other listed buildings and ancillary works thereto – APPROVED

MA/10/0691 Planning application for the provision of new ramps, steps and landing areas on the south side of Bishops Way to improve pedestrian connection from the High Street to the Bridge and the closure of one existing subway, relocation of the cannon and its placement on a new plinth, removal of 3 existing Plane Trees and 1 Field Maple and their replacement with 8 Cherry and 7 Hornbeam Trees, provision of illumination for the Queen's Monument, the relocated cannon and other listed buildings and ancillary works thereto, in connection with other works (which do not require the benefit of planning permission) including the realignment and re-paving of carriageways and pedestrian areas and crossing points, the relocation of 'bus stops and shelters, taxi ranks, loading bays and disabled parking bays and the removal/relocation and/or provision of new street furniture including benches, lighting, leaning-posts, telephone boxes, removal of planters and shrubs and the relocation of the existing CCTV pole by the cannon – APPROVED

3.2 Maidstone Museum

This site has an extensive planning history. Of most relevance are:

MA/10/0883 An application for advertisement consent for the installation of 4 non-illuminated poster signs and 2 directional signs – APPROVED

MA/07/1364 An application for advertisement consent for installation of internally illuminated individual letters with white translucent front surface and metal side profile to match proposed museum extension cladding on east elevation – WITHDRAWN

4. CONSULTATIONS

4.1 **Conservation Officer:** Raises no objection. "Both locations affect the settings of listed buildings and are within conservation areas. The application is not

accompanied by a Heritage Statement assessing the impact of the proposals on the significance of the conservation areas or the settings of listed buildings. Nor is there any statement setting out the need and justification for these flagpoles. However, although the flagpoles are very tall and inelegantly detailed at their base, they have a relatively minor impact on their surroundings, which is helped by the spaciousness of these surroundings within which they do not appear out of scale.”

4.2 **Kent Highway Services:** No response received to date.

5. REPRESENTATIONS

5.1 No response received from neighbouring occupiers to date.

6. CONSIDERATIONS

6.1 Site Description

6.1.1 This application for advertisement consent relates to two separate sites – the newly-created Jubilee Square in Maidstone High Street and land adjacent to the entrance to Maidstone Museum in St Faith’s Street, Maidstone.

6.1.2 Jubilee Square is the new public square that has been created in front of the Grade II* listed Maidstone Town Hall as part of the town centre re-development scheme. It features public seating areas and trees as well as the Grade II listed Queen Victoria statue. The site falls within the Core Shopping Area and Maidstone Town Centre Conservation Area and is also surrounded by a number of other listed buildings (Grade II).

6.1.3 The land adjacent to the entrance to Maidstone Museum (Grade II* listed) is associated with Brenchley Gardens, to the rear of the museum. It is part of an area of lawn, featuring trees, to the fore of St Faith’s Church, and falls within the Chillington House Conservation Area. The almshouses opposite are Grade II listed.

6.2 Proposal

6.2.1 Advertisement consent is sought to display three flags on flagpoles in Jubilee Square and two flags on flagpoles adjacent to Maidstone Museum.

6.2.2 The white fibreglass flagpoles, (which are already in place), have a total height of 7.7m. They stand on a fibrecrete base 0.5m high with a diameter of 1m. Each is finished with a brass finial on top and features a 0.9m long aluminium banner arm.

6.2.3 Each proposed flag would measure 3.6m in length by 0.9m in width and would hang from the banner arm such that its base would be 3.9m above ground level. The flags would be made from polyester and would not be of a fixed design. The application form states that, at Jubilee Square, a number of different flags would be produced to enable the promotion of Maidstone as well as numerous different events/occasions; whilst at Brenchley Gardens the flags would promote Maidstone Museum and various events/exhibitions held by it. As such, the colour of the text and background would change and cannot be specified. However, it is noted that none of the advertisements would be illuminated.

6.3 Assessment

6.3.1 The National Planning Policy Framework requires consideration to be given to the issues of visual amenity and public safety, and, indeed, visual amenity and public safety are the only considerations for this type of application under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The most relevant policy under the Maidstone Borough Wide Local Plan 2000 is Policy ENV8 which permits new advertisements provided that, in terms of scale and design, they would not be detrimental to the character and appearance of the surrounding area.

6.4 Visual Impact

Jubilee Square

6.4.1 In terms of visual amenity, the issue to consider is whether the proposed flags and poles would cause visual harm to the surrounding area given that this site is within a Conservation Area, adjacent to a Grade II* listed building and surrounded by a number of Grade II listed structures. The proposed flags would be clearly visible in views along Maidstone High Street, and from the junctions with Gabriel's Hill, Week Street, King Street and Bank Street. However, in my view the flagpoles are slim structures of minimal mass and the flags would be lightweight additions that would not look out of place among the many advertisements along the colourful, busy, retail frontages of the High Street. Indeed, Members may recall that these flagpoles were used to carry the Olympic banners in August this year and, in my opinion, did not cause any material visual harm then. Jubilee Square is a spacious area and I consider there to be a sufficient degree of separation between the flags and the surrounding listed buildings to avoid any harm to their settings. Nor would they harm the character of the Maidstone Town Centre Conservation Area. I note that the Conservation Officer has not raised objection. In my view they are what one might expect to see in a modern, vibrant town centre and would contribute to

the vitality of Maidstone. I therefore consider the impact on visual amenity at this site to be acceptable.

Maidstone Museum

6.4.2 In terms of visual amenity, the issue to consider is whether the proposed flags and poles would cause visual harm to the surrounding area given that this site is within a Conservation Area, adjacent to a Grade II* listed building and opposite the Grade II listed terrace block of almshouses. The proposed flags would be clearly visible from the pedestrian access into Fremlin Walk, the eastern and western approach along St Faith's Street, Station Road and Brenchley Gardens. However, in my view the flagpoles are slim structures of minimal mass and the flags would be lightweight additions, such that they would have a relatively minor impact on the spacious surroundings. The flagpoles stand either side of a substantially taller lamppost, so would not appear out of scale, and are positioned such that they would not compromise or obstruct views of the important Grade II* listed museum building. Also, although this area is not characterised by the advertising on retail frontages seen in the High Street, it nevertheless does still fall within the town centre and is close to the shops at the eastern end of St Faith's Street, so on balance I do not consider that the flags would appear out of keeping or cause any material visual harm to their surroundings.

6.4.3 There are currently a number of banner signs on the railings at the front of Maidstone Museum, and rather more within the courtyard area at the front, (some 40m to the south-west of the application site). Following discussions between Officers and Members, it has been agreed that the number of banners within the courtyard would be reduced to two and that the banners on the railings would be removed altogether in order to avoid a proliferation of signs if the flagpoles subject of this application are granted consent. An informative will be attached to this effect.

6.5 Public Safety

Jubilee Square

6.5.1 The flagpoles are positioned on the pedestrianised area of Jubilee Square. They are grouped with the seating areas, trees, bins and other street-furniture, but have ample space around them to allow the safe passage of wheelchairs and prams as well as pedestrians. The flags would be a sufficient height above ground to prevent interference. The submission indicates that the base weight is 554kg, which should be sufficient to prevent them tipping/blowing over onto passers-by in heavy winds or being moved.

6.5.2 Due to their height and non-illuminated nature, I do not consider that the flags would affect highway safety.

Maidstone Museum

6.5.3 The flagpoles are standing on the grass verge and do not encroach onto the pavement of St Faith's Street or the access to Brenchley Gardens/Maidstone Museum, so should not obstruct pedestrians and the flags would be a sufficient height above ground to prevent interference. The submission indicates that the base weight is 554kg, which should be sufficient to prevent them tipping/blowing over onto passers-by in heavy winds or being moved.

6.5.4 Due to their height and non-illuminated nature, I do not consider that the flags would affect highway safety.

7. CONCLUSION

7.1 Taking all of the above into account, it is considered overall that the proposals comply with Development Plan policy and the Central Government guidance as set out in the National Planning Policy Framework. As the public consultation period has not yet expired, I recommend that Members grant delegated powers to permit the application subject to the conditions set out below.

8. RECOMMENDATION

SUBJECT TO the expiry of the public consultation period and no receipt of any representations raising new material planning considerations, the HEAD OF PLANNING BE DELEGATED POWER TO 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(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.

Informatives set out below

In accordance with the email from the Economic Development Manager dated 20/12/12, you are reminded that the existing banners in the Museum courtyard should be reduced to 2 and that the banners on the railings should be removed before the flags hereby permitted are displayed at the Museum.