

OFFICERS REPORT

Application No: Y19/0624/FH

Location: Kengate Industrial Estate 142 Dymchurch Road Hythe Kent CT21 6LU

Proposal Advertisement consent for x 2 illuminated wallmounted signs, x 3 non illuminated graphic vinyl signs and x 4 illuminated totem signs.

ASSESSMENT

Performance data:-

Date application valid: 23/05/2019

Applicable 8/13/16 week target date: 18/07/2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? N

If Yes, revised 8/13/16 week target date: N/A

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

A visit to the application site has been carried out. The key features noted are set out within the report.

SITE DESCRIPTION

The application site relates to Kengate Industrial Estate within the Hythe settlement boundary. The application site along with the Pennypot Industrial Estate to the south-west form an allocated employment site within the Shepway Local Plan Review 2006. The site is set between two terraces of residential properties to the north-east and south-west and there are several other commercial uses within the vicinity.

Planning permission was granted in October 2018 for the demolition of the former building and the erection of an 1800sqm supermarket which is currently under construction. The site is located adjacent to the Royal Military Canal which is a Scheduled Monument.

RELEVANT HISTORY

Y17/1377/SH - Erection of a new 1800sqm retail store with associated construction operations; car parking, servicing, landscaping and new vehicular access following removal of the existing buildings comprising of retail, industrial and commercial units of varying sizes. Approved.

Y15/1039/SH - Certificate of lawful development (proposed) for the use of units 3, 5, 6 & 16 at Kengate Industrial Estate for Retail Use (Class A1). Approved.

PROPOSAL

The application seeks permission for the erection of 9 advertisements on site associated with the approved supermarket. The advertisements would comprise the following:

- Sign 1 - a single faced wall mounted sign above store entrance to the north-east elevation. Sign 1 would be illuminated and would measure 2470mm x 2070mm x 120mm and

would be set at 4780mm above ground level. The sign would comprise white writing with a dark blue background.

- Sign 2 - a single faced vinyl logo to the north-east elevation between the entrance and exit. The sign would be non-illuminated and would measure 1480mm x 1240mm x 2mm and would be set at 635mm above ground level. The sign would include white writing with a dark blue background.

- Sign 3 - a single faced vinyl sign positioned to the glazing to the right of the store entrance. The sign would be non-illuminated and would measure 2150mm x 760mm x 2mm and would be set 50mm above ground level.

- Sign 4 - a single faced vinyl sign to the north-east elevation. The sign would be non-illuminated and would measure 6420mm x 1230mm x 2mm and would be set 1000mm above ground level. The sign would include an graphics and a Union Jack.

- Sign 5 - a single faced wall mounted sign to the south-east elevation fronting onto the street (Dymchurch Road). The sign would be illuminated and would measure 2470mm x 2070mm x 120mm and would be set 2250mm above ground level. The sign would include white writing with a dark blue background.

- Signs 6/7 - Signs 6 and 7 are set on a double sided illuminated totem sign located adjacent to the entrance of the car park. Sign 6 includes the supermarket (ALDI) logo and measures 2470mm x 2070mm x 80mm and would be set 1830mm above ground level. Sign 7 would show the opening and closing times of the store and would measure 500mm x 1742mm x 80mm at 1230mm above ground level. Both signs would include white writing on a dark blue background.

- Signs 8/9 - these signs also form a double side totem sign located to the north-east corner of the car park adjacent to Dymchurch Road. These signs match the layout and dimensions of signs 6 and 7.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Hythe Town Council: No Objection

KCC Highways & Transportation: No Objection

No objections raised provided the advertisements would conforms to illumination requirements.

REPRESENTATIONS

One (1) representation has been received and are available in full on the planning file. The main points raised are summarised below:

Strongly object to just one Totem illuminated sign post - signs 8 and 9
Light pollution to the living room and bedroom of the adjacent dwelling

PUBLICITY

Neighbours notified by letter. Expiry date 24.06.2019

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1

Core Strategy Local Plan: DSD

Places and Policies Local Plan Submission Draft: HB1, RL9

The Submission draft of the Places and Policies Local Plan (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

NPPF: Paragraphs 12, 124, 127, 132.

NPPG: Paragraphs 067, 068, 071, 079.

APPRAISAL

Design and visual appearance

Paragraph 132 of the NPPF states that 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.

Draft Places and Policies Local Plan Policy RL9 states that planning permission will be granted for advertisements provided they; are sensitively designed, appropriate to the character of the building and the general characteristics of the locality, would not be overly visually prominent within the street scene and would not be a danger to public safety. Furthermore draft policy RL9 states that illuminated signage will be permitted provided it would be sympathetic to the host building, unobtrusive and discreet and of appropriate design quality.

As noted above, the proposal seeks permission for the installation of 9 advertisement signs of various forms and locations on the site. The signs proposed to the elevations of the building (signs 1-5) are in general accordance with the indicative details illustrated within the elevations of the approved scheme for the supermarket. It is considered that the wall mounted and vinyl signs would effectively integrate into the elevations of the building and would reflect the nature of the supermarket use on site.

The approved details for the permission for the supermarket indicated one totem sign located adjacent to the vehicular access rather than two as proposed within this application. The double sided totem signs would be more prominent and obvious within the street scene than

the other signs due to their design, height and siting adjacent to the highway, however the signs are considered commensurate to the scale of the supermarket and would not appear overly incongruous within this setting given the range of commercial uses within the vicinity.

Amenities of neighbouring occupiers

The signs would be located within the vicinity of residential properties. It is not considered that signs 1-5 or 6/7 would result in significant harm to neighbouring amenity as the distance of separation between them and adjacent dwellings is considered sufficient.

The totem sign to the north-east corner (signs 8 and 9) would be located within relatively close proximity (11m) to no. 13 Longbridge Terrace and the illumination would be partially visible from windows to the front elevation. The views towards the sign would however be oblique and the predominant outlook to the front of the dwelling would not be significantly impacted. The illumination from the sign would not shine directly into the front windows of the neighbouring property. The dwelling does not have side-facing windows. Given the distance between the sign and the neighbouring property, and this angled arrangement, it is considered that harmful light intrusion would not result. It is recommended that the illumination of all the signs be restricted to 400 Candelas per Metres sq. A condition has also been attached to ensure the adverts are only illuminated while the shop is open to the public. On this basis the signs are considered acceptable in terms on neighbouring amenity.

Highway safety

The majority of the signs would be located on the elevations of the building and therefore would not pose a risk to pedestrians and vehicles.

The totem signs would be adjacent to the highway, however they would be located within the development site. They would be set back sufficiently from the highway in order to avoid impact on pedestrian and vehicle movements.

Kent County Council Highways and Transportation team raise no objections to the proposed signage subject to conditions securing the level of illumination to meet the relevant standards for the area.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer: Piran

Report and draft decision notice completed and passed to senior officer.

Name: Piran Cooper	Position: Landscape and Urban Design Officer	Date:
18.10.2019		

Report and draft decision notice agreed and passed to admin to issue decision.

Name: D Campbell	Position: DM Team Leader	Date: 21.10.19
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