

Addington Downs **564365 158149** **26 September 2011** **TM/11/02658/AT**

Proposal: Advertisement for existing business, showing logo, telephone number and award winner statement.
Location: Big Motoring World (Former Valrosa) London Road Addington West Malling Kent ME19 5PL
Applicant: Big Motoring World

1. Description:

- 1.1 This application is to replace an existing but unauthorised totem sign outside the Big Motoring World premises on the A20 in Addington.
- 1.2 It will comprise white Perspex with a height of 3.7m and a width of 1.7m. It will be set on a concrete plinth to deal with a land level change. Illumination will be via internal LEDs at a level of 45 lux, but limited to the logo on the upper portion.

2. Reason for reporting to Committee:

- 2.1 The site has a controversial planning history.

3. The Site:

- 3.1 The location of the advertisement is on the A20 London Road, in front of car sales premises (with ancillary repair etc) that has, in recent years, expanded within a Major Developed Site in the MGB. The site of the car sales premises is subject to policy M1 of the DLA DPD.
- 3.2 The Highway Definitions team at KCC has advised that the advertisement has been sited within the public highway although this has been repeatedly denied by the applicant when queried.
- 3.3 A larger 3 panel advertisement is currently in situ in breach of the Advertisement Regulations 2007. This measures 5.5m in height and 1.7m in width. A retrospective application was submitted under ref TM/11/01024/AT but was withdrawn in favour of this revised scheme.

4. Planning History (selected):

TM/95/00003/LDCE lawful development 5 May 1995
 certifies
Lawful Development Certificate Existing: for vehicle sales with provision of servicing, and repair and breakdown facilities and full range of vehicle services including hire

TM/04/02498/OA Grant With Conditions 21 September 2004

Outline Application for the demolition of existing cafe, garage and bungalow and remove hardstanding and erect 3 no. B1/B8 use buildings with parking

TM/07/04481/OA Approved 28 March 2008

Outline Application for demolition of all buildings and construction of new showroom and workshop building in connection with car sales (Re-submission)

TM/09/02132/FL Approved 26 March 2010

Change of use of land and building from residential to the use for the display and sale of motor vehicles including the provision of car parking and vehicle display areas. Two storey front extension and alterations to the building

TM/09/02384/FL Approved 26 March 2010

Retrospective application for change of use of former cafe building and associated land for the display and sale of motor vehicles, including the provision of car parking and vehicle display areas

TM/10/00938/FL Approved 9 July 2010

Retrospective application for the change of use of the former Venture Cafe building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Cafe building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas

TM/10/03236/RD Pending

Details of surface water drainage pursuant to condition 4 of TM/10/00938/FL (retrospective application for the change of use of the former Venture Cafe building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Cafe building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas)

TM/11/00669/FL Pending

New vehicle preparation bay with associated car parking area and photographic studio (retrospective)

TM/11/01024/AT Application Withdrawn 22 September 2011

Free standing internally illuminated pylon: advertisement for existing business, showing logo, telephone number and award winner statement (retrospective)

TM/11/01364/RD Invalid

Discharge of Condition 6 (lighting) pursuant to planning permission
TM09/02132/FL

5. Consultees:

5.1 PC: Objection:

- The siting of the sign shows it outside the fenced area. The Parish Council believes that this land belongs to KHS and not BMW;
- The Parish Council would be concerned about distraction to drivers of the siting of a sign this close to the road;
- The Parish Council with its local knowledge feel that the proposal is harmful to the rural and visual amenities of the surrounding area;
- The Parish Council are committed to developing policies to de-clutter Addington of signs. Although the application is for a smaller sign the size and visual prominence of this advertisement still goes against this thinking;
- There is no risk assessment with the planning file to indicate that road traffic hazards from passing motorists viewing the sign will be considered;
- From the Application pro-forma: - Q8 - BMW state that the sign does not project over a footpath which it clearly does;
- The Parish Council is concerned about the intensity of the lighting given that the site is in a low district brightness area. The Parish Council believe that such signs should not be illuminated in such areas between the hours of 2300 and 0700 on any day;
- The Parish Council would like the sign which has already been erected without planning permission and for which planning approval is now not being sought to be immediately removed. Q.8 BMW state that the existing sign will not be removed.

5.2 Kent Highways: No objection.

5.3 Private Reps (5/1R/0X/0S). One objection has been received.

- This sign is only one third shorter in height.
- Questions 8 and 9 are incorrectly answered - the advertisement is in place and the applicant does not own the land where the advert is to be placed
- This would mean that all residents of London Road can move their front boundary up to the public footpath

6. Determining Issues:

- 6.1 The determination of advertisement applications must be made in the interests of amenity and public safety, taking into account any relevant provisions of the Development Plan and any other relevant factors. There are no specific development plan policies which add anything relevant to the statutory considerations.
- 6.2 In terms of amenity, the sign by reason of its size, colour, materials and internal illumination must be seen in the context of other similar signs at other commercial premises on this part of the A20. The most comparable is the signage at the vehicle sales site at the Winsor Garage site. That site has a similar totem advertisement, also internally illuminated, that was allowed on appeal in 2004. The Inspector's decision in that case is material to the consideration of the sign at the application site.
- 6.3 It is my view that the one third reduction in size that has been negotiated, together with a limit on the illumination to the main logo only and similar controls to the level and hours of illumination as at the Winsor Garage site, is therefore a reasonable approach to take in these circumstances.
- 6.4 There are no residential amenity issues with the sign.
- 6.5 In terms of highway safety, there are no objections to the sign from a planning point of view and Kent Highways does not consider the sign to be an unacceptable distraction to users of the public highway, be unsafe for users of the public highway or hinder visibility of statutory highway signage/equipment.
- 6.6 Members will note the concerns of the PC and residents that the sign is on highway land. I concur that seems to be the case but the issue of land ownership is not a relevant matter in the determination of advertisement applications because there is a statutory requirement that the display of an advertisement must be with the consent of the landowner. In other words, the agreement of the landowner is a 'standard condition' of any consent granted. Other than imposing that condition, it is not legally appropriate for an LPA to refuse an advertisement on land ownership grounds. It will be for the County Council as the possible landowner to separately assess whether it wishes to licence the sign in that location.

6.7 I agree with the PC that the sign *in situ* needs to be removed and, due to the existing sign installation being an offence, necessary legal action can be taken if the sign is not changed within a reasonable timescale.

7. Recommendation:

7.1 **Grant Advertisement Consent** as detailed by Elevations 1537.PS.02 B dated 26.09.2011, Site Plan 1537.LP2 dated 26.09.2011, Drawing 1537.PS.01 dated 26.09.2011 subject to the following conditions:

1. This consent shall expire at the end of a period of five years from the date of consent.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. 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.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Upon erection of the sign(s) hereby permitted, the following sign(s) shall be removed within three weeks to the satisfaction of the Local Planning Authority: (The 3 panel illuminated sign subject of TM/11/01024/AT).

Reason: In the interests of visual amenity.

8. The illumination shall not exceed 250 cd/m².

Reason: In the interests of visual amenity and road safety.

9. The illumination of the advertisement(s) shall not be intermittent.

Reason: In the interests of visual amenity and road safety.

10. The sign shall not be illuminated except between the hours of 0700 and 2300

Reason: In the interests of visual and residential amenity.

Informatives

- 1 You are advised that a sign on Highway Land requires the grant of a licence from the Kent County Council.
- 2 You are advised that necessary action under the Advertisement Regulations 2007 will be taken if the existing unlawful sign is not removed promptly.

Contact: Marion Geary