

4.5 - SE/13/03811/ADV Date expired 17 April 2014

PROPOSAL: Advertisement consent is sought for the retention of Signage associated with existing surface pay and display car park.

LOCATION: Car Parks, Nightingale Way, Swanley, Kent

WARD(S): Swanley St Mary's

ITEM FOR DECISION

This application has been referred to the Development Control Committee by Councillor Fittock to consider the impact of the advertisements on amenity and public safety.

RECOMMENDATION: That planning permission be Split Decision:

Part Approve: - All adverts other than Type 7 pole mounted ones.

1) 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.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

2) 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.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

3) 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.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

4) 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.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

5) 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.

To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety.

Part Refuse: - Type 7 pole mounted adverts only

By reason of their prominent location and proximity to adjacent advertisements, the 'Type 7' pole-mounted advertisements located on the island between the two Pay and Display ticket machines result in a harmful cumulative impact on the visual amenity of the surroundings, contrary to the National Planning Policy Framework and Planning Practice Guidance.

Description of Proposal

- 1 Advertisement consent is sought for the retention of signage associated with the existing surface pay and display car park. This application is limited to the display of 19 non-illuminated signs of varying size and design.
- 2 Although there are in excess of 40 signs currently displayed throughout the site, those not subject of this application are unauthorised; they do not benefit from express consent and do not appear to benefit from deemed consent. They are therefore subject to a planning enforcement investigation.

Description of Site

- 3 The application site comprises 4 ground level car parks located within Swanley town centre. The car parks are all accessed via Nightingale Way, a private road with a number of pedestrian routes linking to the adjacent shopping centre.
- 4 The site is not located within the Green Belt or AONB and it is not located within or adjacent to a Conservation Area.

Constraints

- 5 Urban confines of Swanley

Policies

Sevenoaks Core Strategy

- 6 Policies - SP1

Sevenoaks District Local Plan

- 7 Policies - EN1

Emerging Allocations and Development Management Plan

- 8 Emerging Policy – EN1

Other

- 9 National Planning Policy Framework

10 National Planning Practice Guidance

Planning History

- 11 13/003810/FUL: Retention of 3 No. pay and display ticket machines and associated advertisements for car park facility. WITHDRAWN 15.04.2014

Consultations

Swanley Town Council:

- 12 Swanley Town Council objects to this application as the current signs are too large and intrusive on the street scene and are out of character with other car parks in the town. Swanley Town Council feels that the signage should be in line with other car parks e.g. the District Council's car park in Bevan Place. Swanley Town Council also feel that the current signs are too confusing and the wording for Blue Badge holder parking needs to be made clearer as users enter the car parks; currently this information is only mentioned clearly on the ticket machines which means that disabled users have to alight from their vehicles and make their way to a ticket machine before they ascertain that they can park free for a limited time. The signage also needs to be well lit at night; Swanley Town Council is concerned that Blue Badge holders especially may be put in a vulnerable situation due to currently having to alight from their vehicle to ascertain correct information.

Kent County Council (Highways):

- 13 'Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority'.

Representations

- 14 Notification letters were sent to the occupiers of 78 commercial and residential properties surrounding the site. The statutory consultation period ended on 17.03.2014. No written representations received.

Chief Planning Officer's Appraisal

- 15 The display of advertisements is subject to a separate consent process within the planning system which states that local planning authorities can only control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material and, and any other relevant factors. The main issues therefore relate to:
- Impact on amenity; and
 - Impact on public safety.

Impact on amenity:

- 16 The Planning Practice Guidance sets out the principal considerations affecting visual and aural amenity and states that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. Adopted policies SP1 of the Core Strategy, policy EN1 of the Local Plan and emerging

policy EN1 of the Allocations and Development Management Plan do not refer explicitly to advertisements but contain general guidance on the requirement for developments to respect local context and character.

- 17 In assessing amenity it is necessary to consider the local characteristics of the neighbourhood, including whether the locality where the advertisement to be displayed has important scenic, historic, architectural or cultural features and whether the advertisements would be in scale and keeping with any of these.
- 18 The car parks comprise several large open spaces enclosed in part by the side and rear elevations of single, two and three storey buildings and in part by trees and shrubbery. By reason of its function the car park is heavily trafficked by both vehicles and pedestrians and these signs would have little if any impact on aural amenity of the area.; It is, however, not a space of any particular merit, nor does it benefit from any of the features referred to above.
- 19 The advertisements, which include pole mounted signs and signs affixed to walls are located on the approach to and within the existing car parks. The two pole mounted signs located between the two pay and display machines, by reason of their proximity to adjacent signs are considered to have a cumulative harmful impact on the visual amenity of this particular location, due to their location, size and surrounding signage . The other advertisements being applied for are considered to be acceptable in terms of number, size and location. They are not considered to be intrusive or out of character and do not adversely affect the amenity of this neighbourhood or site, when considering the surrounding character.

Impact on public safety:

- 20 Factors relevant to public safety are set out in the advertisement regulations. Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport, including the safety of pedestrians.
- 21 The Planning Practice Guidance recognises that all advertisements are intended to attract attention but states that advertisements at points where drivers need to take more care are more likely to affect public safety. There are less likely to be road safety problems where advertisements are located on sites within commercial or industrial areas and where advertisements are not on the skyline.
- 22 The advertisements subject of this application are located on the approach to and within an established car park. They are located such that they do not obstruct or impair sightlines at any hazardous corners, bends or junctions and are not of such a size or scale that would be likely to distract road users. The fact that the signs are not illuminated and do not incorporate moving images or text further reduces their potential to adversely affect public safety.
- 23 The Planning Practice Guidance states that crime prevention is a public safety consideration and states that local planning authorities should consider whether granting express consent could block the view of CCTV cameras, or whether illumination from an advertisement would cause glare on such cameras. None of the advertisements would block any views from CCTV cameras and by reason of being non-illuminated would not result in any glare.

Other matters:

- 24 The objections raised by Swanley Town Council are noted; however all applications have to be considered on their own merits and in the context of the specific circumstances of this site. Therefore, whilst the signs referred to at Bevan Place may be preferable in terms of their size, scale and location it is not material to the acceptability of this application.
- 25 As previously noted, local planning authorities can only consider advertisements in relation to their impact on amenity and public safety. The local planning authority cannot consider the precise design or wording of advertisements, minor changes to which (for example, changing the name of an occupier) rarely require a formal application for express consent, particularly where the size and type of advertisement remains substantially unaltered. On this basis the objection relating to the confusing nature of the text is not material to the assessment of the application for advertisement consent.
- 26 The objection relating to the display of the advertisements increasing the vulnerability of disabled car park users is acknowledged; however this stems from the confusing content of the signs as opposed to their size, scale or location. The car park is illuminated by street lights and the display of the advertisements in themselves is not considered to result in an unacceptable impact on public safety in this location.
- 27 All advertisements are subject to 5 standard conditions set out in the advertisement regulations. No other planning conditions are considered to be necessary.

Conclusion:

- 27 The 'Type 7' pole mounted advertisements located on the island between the two Pay and Display ticket machines, by reason of their prominent location and proximity to adjacent advertisements, would result in a harmful cumulative impact on the visual amenity of the surroundings and it is recommended these be refused advertisement consent.
- 28 The other advertisements applied for are considered to be acceptable in terms of their affect on amenity and public safety. Subject to the standard conditions relating to securing permission of the land owner, public safety, maintenance of the advertisements and ensuring the site is left in an appropriate condition upon their removal it is recommended these be granted advertisement consent.

Recommendation: Split decision; part approve and part refuse

Contact Officer(s): Matthew Durling Extension: 7448

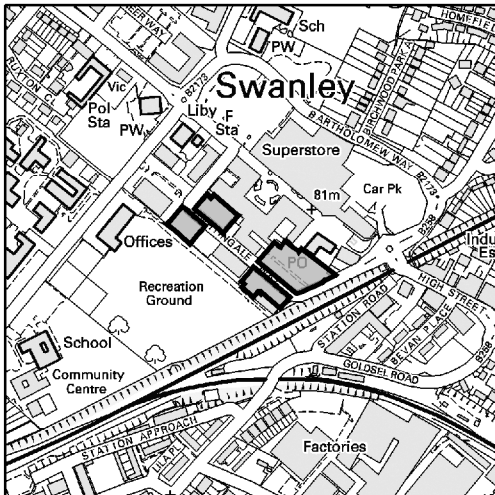
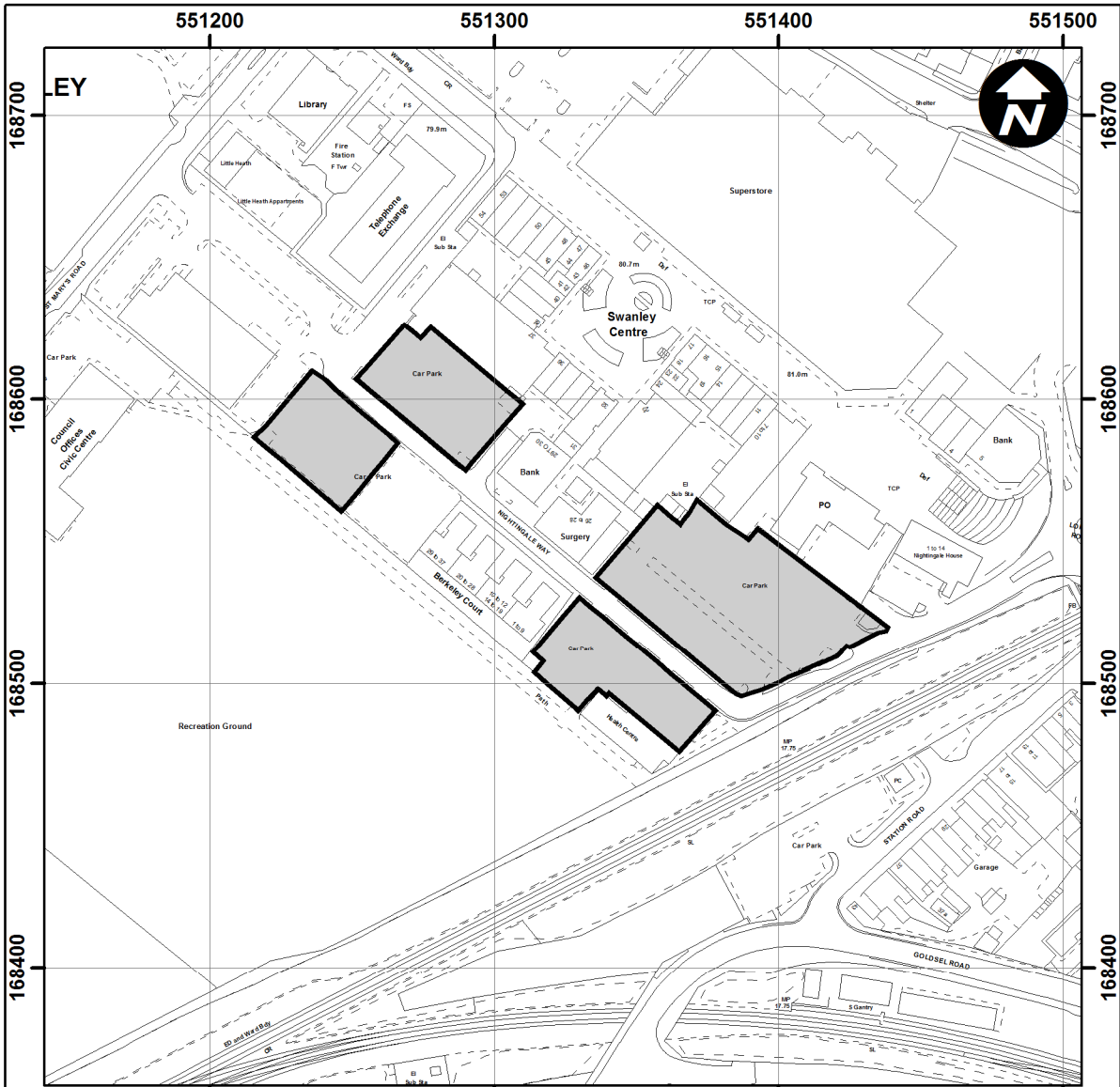
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY3ICCBK8V00I>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY3ICCBK8V00I>



Site Plan

Scale 1:2,500

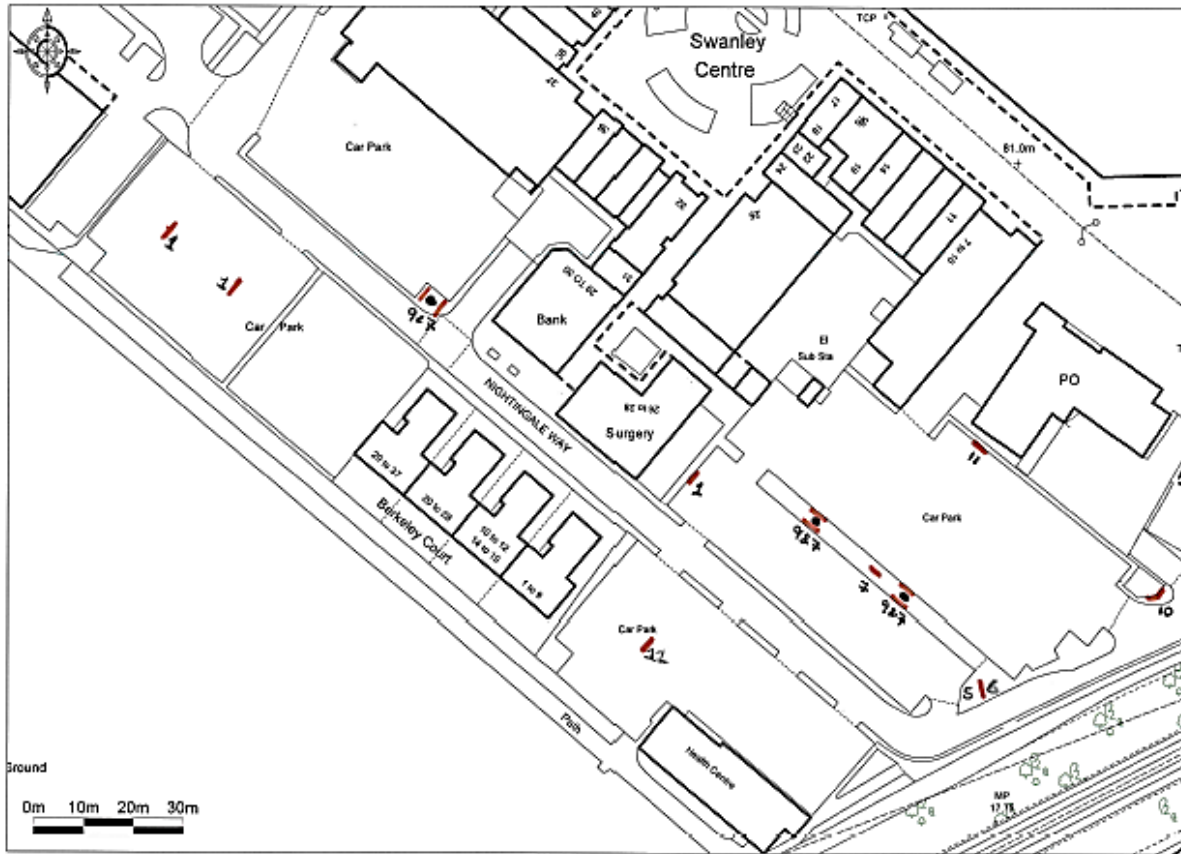
Date 08/05/2014



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Block Plan

Block Plan: Swanley Shopping Centre,
Swanley, Kent



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- Pay and Display Machines
- Signage location and type.