

The reason for refusal was:

The application site lies in the conservation area. The fascia sign, by virtue of its excessive depth, method of illumination and material, is considered inappropriate to the building and wider conservation area. The method of illumination and appearance of the fascia sign ultimately fails to preserve or enhance the character and appearance of the conservation area, and the locality. It is contrary to Policies QD06 and HE02 of the Local Plan and paragraph 132 of the National Planning Policy Framework paragraph 197 and 202.

F/TH/23/1206 - Replacement of the existing shopfront together with replacement of existing timber windows with timber doors and the installation of glass balustrade to create balcony at first floor (part retrospective). Refused 01/11/23

A/TH/02/0172 - Erection and display of internally illuminated double sided projecting sign and fascia sign. Granted 27/06/2002

PROPOSED DEVELOPMENT

The application seeks advertisement consent for the erection and display of an internally illuminated fascia sign - an aluminium face panel in white with push through acrylic with block out vinyl creating halo illumination to letters and logos - the words being "WorkPlace by GOLDEX".

The proposed fascia sign is located on the front elevation of the building and faces towards Margate Main Sands. The illumination is proposed at 300 cd/m² (candela per square metre). The lettering and logos would be mounted onto a 5.07 metre by 1.2 metre white panel. The lettering varies in height; 'Workplace' is 365mm high and the remaining letters are 175mm high.

The proposal is the same as previously refused under A/TH/23/1207.

PLANNING POLICIES

QD06 - Advertisements

HE02 - Development in Conservation Areas

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in a local newspaper. No representations have been received.

CONSULTATIONS

TDC Conservation Officer - Following an initial review of the proposed application any signage within the conservation area should be externally lit rather than internally. As such I would suggest amending the proposed design before further comment is made. Given this is an advert application other elements need to be considered through the separate F/TH/23/1470 application addressing the shopfront design itself.

Kent Highways and Transportation - I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

The maximum value of luminance must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The zones and their corresponding maximum level of luminance are detailed below:

Size of Advert/Sign - Up to 10m²:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) - 100 cdm-2
- * Zone E2 (Rural; low district brightness) - 400 cdm-2
- * Zone E3 (Suburban; Medium district brightness) - 600 cdm-2
- * Zone E4 (Urban; High district brightness) - 600 cdm-2

Size of Advert/Sign - Over 10m²:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) - n/a
- * Zone E2 (Rural; low district brightness) - 200 cdm-2
- * Zone E3 (Suburban; Medium district brightness) - 300 cdm-2
- * Zone E4 (Urban; High district brightness) - 300 cdm-2

All measurements are in Candelas per metre squared

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies

to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

COMMENTS

The application is brought before members as the application has been called in by Cllr Pugh for Members to consider the economic benefits of allowing this proposal.

The main considerations in assessing the proposal are the principle of development, impact on the amenity of the area and public safety.

It is confirmed that the Planning Officer contacted the agent to amend the application - to change the illumination - however, no response has been received and accordingly the application is brought to Members as submitted.

It is also highlighted to Members that this application is identical to the one previously refused- please see the planning history section.

In considering the application the Local Planning Authority is required to take into account the requirements of Thanet Local Plan Policy QD06 which states applications for advertisements will be considered in relation to their effects upon amenity and public safety. In and adjoining conservation areas the Council will require that the design and siting of advertisements does not detract from, and preferably makes a positive contribution to, the character and/or appearance of the area. This policy is supported by paragraph 141 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed and consents should take into account cumulative impacts.

Impact on the Amenity of the Area

The site comprises an existing commercial property that fronts Marine Terrace. The site is located within the Conservation Area. Consideration, therefore, needs to be given as to

whether the signs would have a detrimental impact on the character and appearance of the Margate Conservation Area.

The Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 203 of the National Planning Policy Framework (NPPF) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

The Marine Terrace frontage is located in an area where commercial uses are common particularly at ground floor level and there are a variety of different advertisements visible in the surrounding area. The fascia appears much deeper than the existing measuring approximately 1.2 metres and a length of 5.1 metres. The fascia advert would have a depth of 100mm. The materials would be an aluminium fascia board with push through acrylic with block out vinyl to the face creating a halo illumination to the letters and logos.

The Council's Conservation Officer has been consulted and raised concerns about the method of illumination as internal illumination is not considered appropriate and it was recommended that external illumination be used. As stated previously the agent was contacted in this regard but no response was received and the application remains unchanged.

As such, it is considered that the scheme as submitted uses materials that are not sympathetic to the Conservation Area, an inappropriate width of fascia and that the internal illumination is inappropriate. Furthermore the use that the fascia is advertising does not appear to be one that is related to the night time economy, where there is normally some relaxation - such as the amusement arcades and public houses along this stretch of Marine Terrace. Accordingly an external method of illumination would normally be sought if it requires illumination, for example by trough lighting.

The NPPF states that 'the quality and character of places can suffer when advertisements are poorly sited and designed'. Furthermore, in the NPPF, any harm to designated heritage assets should be balanced against the public benefit of the scheme.

The proposed sign appears disproportionately large to the building and would be unduly conspicuous in Northdown Road. Officers consider that although the fascia advert would serve a commercial unit, ultimately the harm of the advert on the conservation area is not considered to be outweighed by the function of the advert to serve the commercial unit. A more sympathetic advert that has more sympathetic dimensions, materials like timber, and external illumination could be used. Accordingly the harm caused is not considered to outweigh the public benefits of the proposal.

The call in request was due to the economic benefits of refurbishing this building and the safety of users of the balcony. It is considered that signage appropriate to the Conservation

Area would not harm or place additional burden on the applicant and would still lead to the economic benefit of getting this building back into use.

Taking into account the above, the internally illuminated fascia advert which is proposed on the building is considered to harm the setting of the conservation area. It would fail to preserve the character and appearance of the conservation area to the detriment of the area, the harm would not outweigh any public benefits.

Public Safety

Policy QD06 sets out that advertisements will be considered in relation to their impact upon public safety. In this instance the sign is attached to the side of the building and does not project onto the area around the shelter in such a way as to cause obstruction to passers by.

As this is a fascia sign the bottom edge of the panel finishes 2.9 metres above ground level. This will not interfere or obstruct pedestrians using the pavement.

The sign is located a significant distance from the public highways and has static illumination at a relatively low level that would not cause glare to users of the highway. KCC advises that adverts up to 10m², that this is can go up to 600 cdm⁻² in an urban zone, the proposed advert is 300 cdm⁻²

The submitted plans confirm that the proposed signs would comply with the requirements of KCC Highways in terms of height and level of illumination and would not result in harm to public safety.

Given the area which the advert is within close to amusement arcades officers would concur with the views of the highway authority and consider that there would be no material harm to public safety.

Other matters

It is noted that the planning history shows an approval in 2002 for internally illuminated adverts, however, this is over twenty years ago and planning guidance and Local Plan policies thus the position of the Council has changed over this period of time.

Conclusion

The application site is located in the Conservation Area. The proposed development will lead to harm to the Conservation Areas setting by reason of the adverts method of illumination; internal and the excessive depth of the fascia advert as well as inappropriate and non traditional materials within a Conservation Area. The proposal is considered to result in less than substantial harm. Paragraph 92 of the Framework affirms that flexibility should be applied on issues such as format and scale in promoting the vitality of town centres, and Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity. Nevertheless, the proposal is harmful to visual amenity and more sensitively designed signage would be appropriate in respect of both economic

and environmental considerations. It is considered that the new fascia advert would be unduly harmful to the Conservation Area and accordingly officers recommend refusal.

Case Officer

Gillian Daws

TITLE:

A/TH/23/1471

Project

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