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## SUMMARY REPORT

<b>Application Ref:</b>	20181206
<b>Site Address:</b>	Gurdawara Temple Guru Nanak Marg Gravesend Kent
<b>Application Description:</b>	Display of a 30 metre high flag pole mast (Nishan Sahib) outside the main entrance to the Gurdwara.
<b>Applicant:</b>	Mr Ajaib Singh Chima Siri Guru Nanak Darbar Gurdwara
<b>Agent:</b>	Mr Brian Balbir Singh Sangha
<b>Ward:</b>	Central
<b>Parish:</b>	Non-Parish Area
<b>Decision Due Date:</b>	20 February 2019
<b>Publicity Expiry Date:</b>	23 January 2019
<b>Decision Level:</b>	Planning Regulatory Board – 6 February 2019
<b>Reason for referral:</b>	The agent is a Member of Gravesham Regulatory Board.
<b>Recommendation:</b>	DELEGATED to the Planning Manager (Development Management) Manager for permission

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### Summary of Reasons for Recommendation

It is considered that the size and design of the proposed replacement flagpole and associated hydraulic system is acceptable in this location. Given the nature of the proposal, (A flag pole replacing the existing pole (with a slight increase in height)), there would be no visual impact or other amenity issues which would justify refusal. It is considered that the presence of the flagpole and the flying of a flag would not detract from the wider residential surroundings of the application site to a point where the proposal should be regarded as being unacceptable.

The location of the flag pole within the forecourt of the Gurdwara would not result in any highways or public safety issues.

In summary it is recommended that advertisement consent is granted subject to the conditions set out at the end of this report.

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### **1. Proposal**

1.1 The proposal is to replace the existing flag pole which is 22m in height with a 30m high flag pole. The reason for replacing the existing flag pole which has been in place for 9 years is that the flag pole is manually raised/lowered around 2 to 3 times a year. The manual raising/lowering of the flag pole according to the covering letter is a health and safety risk to both the persons undertaking the task as well as persons attending the ceremony of raising/lowering the flag pole.

1.2 The replacement flag pole will be raised and lower using an hydraulic system which will remove the current health and safety issues surrounding the current flag pole. The flag which will be attached to the flag pole is 0.6m by 0.6m (The same as on the existing flag pole).

1.3 It should be noted that every Gurdwara in the world has a similar mast on site and is an integral part of the identity of Sikh Gurdwara and the Sikh religion.

1.4 The application consists of the following documents/plans:

Drawings/ Documents:

Application form;  
Covering letter dated 20.11.18  
Lighting details  
OS Plan 1:2500  
Drawing No.KAL-3395-002 – Side and Front View  
Drawing No.KAL-3395-001 – Plan View  
Drawing No.S-1001187-04 – Flag pole  
Drawing No.KAL-0000-001 – Layout

## 2. Relevant Planning History

2.1 There have been various applications on the site but the most relevant ones are as follows:

**20010979** - Details pursuant to outline planning permission ref. no. GR/2000/264 relating to the siting, design and external appearance of the proposed new Sikh Temple (Gurdwara) not including Community Centre. **Permitted 19.04.2002.**

**20010974** – Application for the variation of condition 2 of outline planning permission ref. no. GR2000/264 relating to the erection of a Sikh Temple and Community Centre, to allow commencement of the development before completion of the off-site highway improvements in Wellington Street/Saddington Street. **Permitted 26.06.2002.**

**20000264** – Outline application for the erection of a Sikh Temple (Gurdwara) and a community centre with vehicular access onto Saddington Street and laying out of 120 no. car parking spaces and 3 no. coach parking spaces together with an overspill car park comprising of 74 no. spaces and a full application for the removal of the existing car park off Khalsa Avenue and its restoration into a sports playing field. **Permitted 01.10.2001.**

## 3. Planning Policies

### Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS19 - Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- TC8 – Advertisement Control

### Other material considerations

National Planning Policy Framework (2018)

- Section 12 – Achieving Well-designed places

Other Relevant Legislation

- Town and Country Planning (Control of Advertisement) (England) Regulations 2007, (as amended).

Supplementary Planning Guidance

- Advertisement Control Policy Guidelines

**4. Consultations, Publicity and Representations**

*Internal*

Highway Development Management Officer

I would appreciate a plan of the mast in its lowered position, to ensure there is no conflict with vehicular access, parking or pedestrian routes/access.

*External*

Kent Highways & Waste

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Publicity

- 4.1 Thirty Three (33) surrounding properties were consulted and the publicity expiry date was 23 January 2019 and no comments were received.

**5. Service Manager (Development Management) Comments**

Site History and Context

- 5.1 An advertisement is defined by Section 336(1) of the Town and Country Planning Act 1990 (as amended) (The Act), as a "...means any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly."
- 5.2 Section 220 of The Act relates to the formulation of regulations for controlling display of advertisements, whilst Section 222 of The Act set out that planning permission not needed for advertisements which complying with regulations. The regulations formulation for controlling display of advertisements are The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).
- 5.3 Bearing in mind the above, only advertisement consent is required for the proposed advert, which comprises both the flag and the flagpole, being the "*device employed wholly or partly for the purposes of, advertisement, announcement or direction, and...*"

*includes any... similar structure used or designed, or adapted for use... for the display of advertisements...*

- 5.4 In terms of the merits of the submission, applications for advertisement consent are considered in relation to two issues – Amenity and Public Safety.
- 5.5 The NPPF recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, and reinforces that the only considerations related to advertisement submissions are amenity and public safety.
- 5.6 Saved Policy TC8 of the Gravesham Local Plan First Review 1994 policy requires applications to be examined in the light of the Borough Council's adopted policy guidelines for advertisement control and states that displays which are detrimental to public safety or amenity will be resisted.
- 5.7 The Borough Council's adopted Advertisement Control Policy Guidelines (November 1996) divides the Borough into different areas, and it is reasonable to conclude that the application site falls within the category of "Other parts of the urban area of Gravesend & Northfleet". Policy 4 of this document states:

*"Advertisement displays in other parts of the urban area of Gravesend and Northfleet will generally be acceptable on business premises, if they relate to the trade or activity carried on in the premises. Other advertisements will be considered on their individual merits and may be acceptable if they are viewed against a commercial background and, in the case of illuminated advertisements, are adequately screened from residential property."*

#### Public safety

- 5.7 Due to the location of the flag pole within the grounds of the Gurdwara it will not have any adverse impact on highway safety in relation to vehicles and Kent Highways Transportation & Waste Officer raises no objection the proposal. However, Gravesham Highway Development Management Officer states they would appreciate a plan of the mast in its lowered position, to ensure there is no conflict with vehicular access, parking or pedestrian routes/access.
- 5.8 The flag pole will be lowered to the south which is in the forecourt of the Gurdwara and there will be no adverse impact on the safety of pedestrians or vehicles, therefore the concern that Gravesham Highway Development Management Officer has raised has been addressed. In addition through the introduction of the hydraulic raising/lowering system there will be less of a risk to the operators and the public attending the raising/lowering of the flag.
- 5.9 In summary no adverse impact on public safety is considered to occur. Nor is the proposed flag advertisement, including the flag pole, considered to conflict with planning policy, national policy and guidance or other relevant legislation in this regard.

#### Effect on Visual Amenity

- 5.10 The application site is located to the west of the Gurdwara on the forecourt and the nearest residential properties are the properties on the south side of Milton Road which are between 50m and 70m to the north of the site. Between the flag pole and the nearest dwellings is the North Kent mainline which further separates the two sites.

- 5.11 There has been an existing flag pole on site since 2010 and this has raised no complaints from surrounding properties in regard to visual amenity. The additional increase in height from 22m to 30m will not result in harm to the amenity of the surrounding properties due to the distance maintained between the site of the flag/flag pole and those adjoining properties. Furthermore, the increase in height by 8m will still be subservient to the existing Gurdwara and will not appear as a cluttered feature or a development which would be out of scale with the context of the site. No additional lighting is proposed for the flag pole.
- 5.12 It is considered that the size and design of the proposed replacement flagpole and associated hydraulic system is acceptable in this location. Given the nature of the proposal, (A flag pole replacing the existing pole (with a slight increase in height)), there would be no visual impact or other amenity issues which would justify refusal. It is considered that the presence of the flagpole and the flying of a flag would not detract from the wider residential surroundings of the application site to a point where the proposal should be regarded as being unacceptable.

## 6. Conclusion

- 6.1 Overall it is considered that the proposed replacement flagpole and flag would be in line with Policy TC8 of the Gravesham Local Plan First Review and the Borough Council's adopted Advertisement Control Policy Guidance.
- 6.2 It is considered that the proposed signage is neither harmful to amenity nor public safety and it is therefore recommended that **ADVERTISEMENT CONSENT** be granted subject to conditions.

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## Recommendation

The recommendation is for the **ADVERTISEMENT CONSENT** be granted subject to the standard advertisement conditions, which are set out below.

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.
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 purposes of security or surveillance or for measuring the speed of any vehicle.
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.
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.

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.

Reason for the imposition of conditions 1-5 (inclusive): In accordance with Regulation 14(1)(a) of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended).

**INFORMATIVES:-**

**APPROVED PLANS**

**STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING**