



Appeal Decision

Site visit made on 20 August 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/A2280/Z/19/3227762

Plot 1A, London Medway Commercial Park, Hoo St Werburgh, ME3 9GX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Amazon UK Services Ltd against the decision of Medway Council.
 - The application Ref MC/19/0061, dated 9 January 2019, was refused by notice dated 7 March 2019.
 - The advertisement proposed is Erection of two illuminated building mounted signs, two internally illuminated direction signs and one non-illuminated directional sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 1. The illumination of the advertisements hereby approved should be as static illumination only.
 2. The level of illumination of the advertisement hereby approved shall not exceed 300cd/m² at any time.

Procedural Matter

2. The Council issued a split decision in respect of the original application. Whilst the directional signs were granted consent, the two internally illuminated building mounted signs were refused. It is therefore these illuminated building mounted signs that are the subject of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the amenity of the area.

Reasons

4. The two building mounted signs were granted advertisement consent as non illuminated signage and accordingly, the proposal is effectively seeking the internal illumination of the existing signs that are in place.
5. The appeal site comprises a large warehouse building within the developing London Medway Commercial Park. The adjacent site, labelled Plot 1b on the submitted drawings, is currently undeveloped. The proposal relates to signage

on what is labelled on the drawings to be the south west and north west elevations of the building.

6. The area comprises a number of large scale commercial buildings and industrial uses, including Kingsnorth Commercial Park, Kingsnorth Industrial Estate, Damhead Creek Power Station and Kingsnorth Power Station, as well as associated infrastructure. Despite this industrial character, the site is also close to rural and river areas, including open fields, unmade coast and the Kent Marshes Special Landscape Area.
7. The application was accompanied by a Visual Impact Assessment (VIA) which considered the impact of the proposal in relation to a number of short, medium and long range views. The appeal is also accompanied by a Statement in Relation to Visual Matters which updates the VIA by including an analysis of additional viewpoints from other areas across the Medway as subsequently highlighted by the Council.
8. The VIA provides an assessment of the level of visual effects arising from the illuminated signage on a series of different visual receptors, including residential properties, uses of public rights of way and highway users. It also includes an analysis of the night time landscape including 'before and after' photographs.
9. The VIA demonstrates that the appeal site building lies within the surroundings of a number of prominent light sources that are associated with the Power Stations, Commercial Parks and Industrial Estate. Whilst the photographic evidence within the VIA shows that the illumination of the signage would be apparent in short range views, including those from some of the nearest residential properties, the signage would be seen at night against the backdrop of the existing building and lighting associated with it, and in most cases, in conjunction with the surrounding extensive light sources from the commercial park, the neighbouring industrial estates and power stations. Having regard to the context of the site, I am satisfied that the proposed illuminated signage would not result in any significant change in the night time views and would not result in a material loss of visual amenity or harm to the character and appearance of the area.
10. The VIA and the updated information contained within the Statement of Visual Matters also demonstrates that the proposal would be barely perceptible in medium to long range views given its scale and the surrounding illuminated context. Any limited views of the illuminated signage from more rural and river areas, including unmade coast and Kent Marshes Special Landscape Area would be in conjunction with other existing commercial and industrial uses which are well lit at night, and which are an established feature of the landscape. Moreover, the long distance views from across the Medway included in the updated VIA show that the illuminated signage would be largely imperceptible and would have a negligible effect on visual amenity.
11. The Council also raise concern that by granting advertisement consent, it would be difficult to resist applications for similarly illuminated fascia signs on both existing buildings and future buildings within the developing London Medway Commercial Park which they state would cumulatively harm the visual amenity of the surrounding area. However, I have not been made aware of any such applications currently before the Council and in any event, any such future applications would be considered on their own merits in relation to the interests

of amenity and public safety, taking into account cumulative impacts, at that time. I therefore afford only little weight to this consideration. The Council also state that future housing development sites are being considered west of the site beyond the Kingsnorth Employment Area. However, given the apparent early stage in the planning process and the absence of more detailed information, I afford this matter only little weight.

12. The Council state within the Officer report that there is no operational need for the signage. However, as set out in Regulation 3(1) and explained in paragraph 132 of the National Planning Policy Framework (the Framework), advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Furthermore, National Planning Policy Guidance (NPPG) states at Paragraph 026 that 'unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refusal because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offense to public morals.' This is not therefore a matter that I can consider in relation to the appeal.
13. With regard to public safety, the Officer's report confirms that the signs are not considered to represent a distraction to vehicle drivers and I concur with this view.
14. For the reasons given above, I conclude that the illuminated building mounted signage would not be materially harmful visual amenity and the character and appearance of the area. I have taken into account Policy BNE10 of the Medway Local Plan 2003 which among other things, seeks to protect amenity and so is material to this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy. For the same reason, the proposal would not conflict with paragraph 132 of the Framework.
15. In addition to the five standard conditions set out in the Regulations, I have had regard to the Council's suggested conditions and have imposed conditions to control the type and level of illumination in order to protect visual amenity.
16. Having taken all other matters into account, I conclude that the appeal should be allowed.

J Davis

INSPECTOR