



Appeal Decision

Site visit made on 4 April 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th MAY 2022

Appeal Ref: APP/A2280/Z/21/3288331
386 High Street, Chatham ME4 4NP

- 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 Wildstone Estates Ltd against the decision of Medway Council.
 - The application Ref MC/21/2436, dated 3 August 2021, was refused by notice dated 11 October 2021.
 - The advertisement proposed is an upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is public safety as it relates to road users.

Reasons

3. The appeal site comprises the gable wall of 386 High Street, a mixed use retail and residential three storey building. The gable is the current location of a standard 48 sheet advertising poster installation. The proposal would replace this with a similarly sized digital poster screen, presenting illuminated advertising content involving the change of static images that the proposal states would change, virtually instantly, potentially every 10 seconds.
4. Like the existing poster, the digital screen would face a busy roundabout that forms part of an extended road junction that links several roads into and out of the centre of Chatham, including the Hight Street and the A2. The crossing of the A2 by pedestrians is facilitated by a footbridge at this point. There are other large static standard advertising poster sites facing on to the roundabout and the associated wider road junction. As pointed out by the appellant, digital posters are an increasingly common type of advertisement type. One is already installed on one of the approach roads to the extended junction of which the roundabout forms part, albeit away from the junction and roundabout.
5. The proposed digital screen, like the existing poster would be located in a prominent position, highly visible by both vehicular and pedestrian road users. During my site visit, the roundabout, extended junction and approach roads were heavily trafficked. There were also some pedestrians in the area, but this was somewhat limited at the time of my mid-morning weekday visit.

6. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. The PPG further advises that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display. I note, however, that there are no light controlled pedestrian crossings or traffic control in the area of the roundabout and the proposal would not be visible in conjunction with light controlled facilities on the wider associated traffic junction.
7. Whilst the proposed types of digital screen advert unit are common features of road corridors and there are other non-illuminated advertisements in the immediate area, the proposed unit would be a dominant feature when approaching or using the roundabout.
8. The proposed digital advertising screen has the potential to have its luminance controlled automatically to react to the time of day and year. This could be satisfactorily controlled by conditions that would ensure that the luminance remains within guidelines set out by the Institute of Lighting Professionals. However, the proposed digital advertising screen would be subject to changing displays, up to every 10 seconds that would change instantly between static adverts. This would increase the prominence of the advert display, drawing the eye of road users and increasing their visual interaction with the display, in a road traffic situation, on or approaching a roundabout, where a high degree of observation of other road users and care is necessary.
9. When combined with internal illumination, The intermittent changing of the advert display, albeit with an almost instant transition, has the potential at this busy roundabout location to distract motorists and create visual confusion for road users as they approach this busy roundabout, thereby posing a risk to pedestrians, cyclists and other road users.
10. The appellant has provided me with information on traffic collisions on the roundabout and approach roads. This shows that between 2016 and 2021 there have been 45 reported road traffic collisions in the area, 17 of these caused by vehicles moving in a direction facing the existing poster hoarding that the proposal would replace. The appellant asserts this does not represent a cause for concern. However, of these 17 incidents, 2 involved vehicles colliding with cyclists, 6 resulted from collisions between two vehicles on the Chatham Hill approach to the roundabout, while the remaining 9 were collisions between vehicles entering the roundabout from Chatham Hill with vehicles intending to turn onto Magpie Hall Road. 4 of these latter collisions involved motorcycles. Although the appellant has provided a breakdown of the severity of the 45 collisions in the area, no breakdown of the severity of the 17 caused by vehicles moving in a direction towards the existing hoarding has been provided.
11. I find that this does not mean that the collision rates and outcomes constitute a situation where there is no cause for concern. Rather, the information provided by the appellant demonstrates that a number of collisions have occurred at the junction within the 5 year study period, and I remain concerned that the possible distraction of road users by the proposed illuminated digital screen with changing advertisements would increase the number of incidents and potentially their severity.

12. The appellant has brought to my attention to studies with regard to similar advertising displays as the proposal and road safety. It appears to me that these studies, whilst demonstrating no evident link between such advertisement displays and harm to road safety, are based on those locations where such displays have been approved and do not, therefore, include information where such installations have been refused on road safety grounds.
13. The appellant has provided me with a map demonstrating the extent of similar advertising displays in locations all over the county, and has detailed other approved installations, including post installation studies. The individual circumstances of these, including those detailed in the planning approvals provided to me, differ from that of the appeal site and proposal. These would have been determined on their own merits, and I have, likewise, done the same with the appeal proposal and I have, therefore, given these only moderate weight in my considerations and I have, as required of me, considered the proposal on its own individual merits.
14. I conclude that the risk to highway safety would be likely to increase as a result of the digital transition between illuminated advertisements. I consider the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road related activity in its vicinity. The proposal would be harmful public safety and would, therefore, conflict with the Framework and PPG in this regard.
15. For the reasons given above, I find that the proposed advertisement would be significantly harmful to public safety as it relates to highway safety. Whilst I have had regard to the suggested conditions, these would not overcome the harm I have identified. The proposal would, therefore, be in conflict with saved policy BNE10 of the Medway Local Plan (2003) and paragraphs 111 and 136 of the National Planning Policy Framework (2021) (the Framework), which collectively seek to ensure that advertisements do not constitute a road safety hazard and are not harmful to public safety.

Other Matters

16. The appellant has drawn to my attention the benefits of the proposal including the environmental benefits of reduced vehicle movements required to change poster displays. As the existing poster is non illuminated, the energy use savings estimated by the appellant are moot. The social benefits indicated for charity or emergency messages are also possible but not definite. The economic benefits of the potential for an increase in rent for the location and concomitant increase in business rates are also only potential rather than definite benefits of the proposal. As these benefits are marginal and limited, I have only afforded them little weight in my considerations.

Planning Balance and Conclusion

17. Whilst the proposal has limited public benefits, as set out above, I find that these do not outweigh the significant harm to public safety that I have identified. Accordingly, and with paragraph 11 of the Framework in mind, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR