



Appeal Decision

Site visit made on 15 October 2024

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/J2285/Z/24/3346317

Roundabout at Junction of Bluewater Parkway and St Clements Way, Greenhithe, DA9 9XX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Marketing Force Limited against the decision of Ebbsfleet Development Corporation.
 - The application Ref is EDC/24/0018.
 - The advertisement proposed is Display of 4 non-illuminated free-standing advertising boards.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 4 non-illuminated free-standing advertising boards at the Roundabout at Junction of Bluewater Parkway and St Clements Way, Greenhithe, DA9 9XX in accordance with the terms of the application, Ref EDC/24/0018. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary matters

2. The appeal is accompanied by a revised drawing of the proposed boards, submitted at appendix F to the appellant's appeal statement. The first change made to the drawing that was submitted at application stage is the addition of a bullet point in the notes at the bottom of the drawing indicating that the height of text used on the signage would measure between 10 and 20 cm. The second change is that the overall width of the advertisement would be reduced to 1016mm from the 1219mm referred to in the officer's report. These are not a significant changes necessitating fresh consultation.
3. This appeal is one of a number that I am dealing with, for the same advertising boards to the same specification, made by this appellant. The planning officer's report referred to an earlier set of appeals in 2008 for similar advertising signs on some of the same sites¹. Some reliance is placed by the council on the fact that all of those earlier appeals were dismissed on both amenity and public safety grounds, asserting that the conclusions of that Inspector are applicable to the current set of appeal proposals.

¹ Appeal references APP/T2215/H/08/1203314, 1203315, 1203316, 1203317, 1203318, 1203319.

4. However, there are a number of material changes since 2008 that have been put before me and that I need to take into account and may lead to decisions that differ from those made in the 2008 appeals. These include changes in the design of the proposed boards, the introduction of the National Planning Policy Framework (NPPF) in 2012, with subsequent revisions; the National Planning Practice Guidance (NPPG) on Advertisements in 2014; improved road safety, with a reduction in road traffic accidents; more recently adopted development plan documents, including the Local Plan of 2024, when the extant local plan at the time was from 1995; more recent publications concerning adverts and road safety, referred to by the appellant such as Transport for London (TfL)'s Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) (Appendix B) and the academic study by Oviedo-Trespalacios et al. (2019) (Appendix C).

Main issues

5. The main issues in this case are: i) the effect of the proposed advertisements on amenity; and ii) their effect on risks to public safety

Reasons

Planning policies

6. The most relevant development plan policies of the Dartford Plan (2024)². are Policies M1: Good Design for Dartford and M16: Active Travel, Access and Parking. In particular section 5 of Policy M1 should be noted. This reads: "5. *Signage and advertisements must be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and must not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles*". Policy M16 includes the following: "1. *Development must be of a design and layout to promote walking, cycling and public transport use through provision of attractive, well-designed and safe routes which address the needs of users.*" and "3. *Adverse effects from the travel and movement issues associated with any development, including on amenity or the environment, must be minimised*".
7. As a material consideration of importance, the NPPF at paragraph 141, in relation to advertisements, states: "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*".

The advertisements

8. The advertisement boards are 1m high and 1.22m wide with the base set 300mm above ground level. The adverts are supported by two posts and are non-illuminated. The appellant advises that the advertisements would provide additional income for Kent County Council as the Highway Authority for the area to be used to support the management of Dartford's and Kent's Highways. The details submitted do not provide any detail as to the content of the

² Although this site is within the jurisdiction of the Ebbsfleet Development Corporation, The Dartford Plan 2024 is the relevant local plan and its policies are quoted in the refusal reasons.

advertisements, or that they relate to the locality. The drawing titled 'Sign Specification' shows an advertisement area illustrated with "SPONSOR'S ADVERT HERE". Below that on a widened part of the framework is a Kent County Council logo.

The effect of the proposed advertisements on amenity

9. The site is a large roundabout known as 'Hedgeplace Roundabout', located at the junction of Eastern Avenue, the access into the Ashmere village within the Eastern Quarry development site, the Dartford B255 and Bluewater Parkway. It is covered in low level, maintained grass and has some highway signage. In the south-west quadrant, along Bluewater Parkway, is the highway complex leading to Bluewater Shopping Centre and its extensive car parking provision. To the north, east and south-east is recent residential development, which is continuing, increasingly so as the Garden City develops. This roundabout is an important part of the access to Ashmere Village and for other housing areas.
10. However, the housing does not directly relate to the roundabout in visual terms, and by the time it is reached, the character is entirely of an important local highway network, in which the access to the shopping centre is a prominent feature. The established landscape buffers provide some visual containment of the highway and a degree of separation from the neighbouring residential sites. This roundabout marks the point of entry to the modern highway network encircling the shopping centre, as well as providing links to elements of the national highway network with the associated highway features, including safety railings, street lighting, bollards etc. This is not an environment in which amenity would be harmed by the proposed advertisement boards.

Risks to public safety

11. The proposed advertisement boards are located on a busy roundabout, but its geometry is reasonably straightforward. It is within a 50 MPH speed limit, although the roundabout tends to reduce speeds in the approach when the advertisements would be legible. The NPPG sets out advice about the main types of advertisement that may cause danger to road users: the proposed advertisement boards do not come within any of the categories that are set out therein.
12. At paragraph 4 above I have made reference to publications that post-date the 2008 appeal decisions. The findings of TfL's Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) cannot reasonably be confined to circumstances within its own geographical area, and therefore I find compelling the statement within Appendix B, quoted by the appellant that: *"Based on the literature review and on our own knowledge and experience of the field it is considered that there is no demonstrable proof that advertisements cause traffic collisions"*. This is reinforced by the quotations given by the appellant from the study by Oviedo-Trespalacios et al.
13. My driving experience is in accord with the conclusions of the documents referred to; in most circumstances, the proposed boards would not be so distracting that they would result in an unacceptable impact on public safety. That would be so in this case; I consider that they would not be prejudicial to the intentions of policy M1 of the Dartford Plan and paragraph 141 of the NPPF.

Conclusions

14. Having taken account of all matters raised, for the reasons that I have set out above, I conclude that the appeal should be allowed.

Conditions

15. In addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, the council has suggested that a condition should be imposed requiring details of the final appearance of the sponsors' advertisement, to be displayed on the boards, be submitted for approval by the Local Planning Authority, meeting the content of the appellant's 'Appendix 2 Ethical Framework'. I do not agree that this condition is necessary since the appellant is contractually obliged to send full details of the adverts' design to Kent County Council Highways Authority for their approval prior to creation and installation of the advertisements. Such approval should meet any concerns of the planning authority in this regard.

Terrence Kemmann-Lane

INSPECTOR