



Appeal Decision

Site visit made on 30 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/A2280/Z/24/3355506

1A Victoria Street, Gillingham, Medway ME7 1ED

- 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 Alight Media Ltd against the decision of Medway Council.
 - The application Ref is MC/24/1724.
 - The advertisement proposed is the replacement of an existing sign with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the advertisement consent was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Background and Main Issues

3. The provisions under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require the local planning authority to assess the proposed development solely on the basis of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. The main issues are the effect of the siting of the proposed advertisement upon public safety, that being highway safety, and amenity, that being the visual amenity of the area.

Reasons

Public safety

5. On turning onto Victoria Street, the proposed advertisement would be clearly visible ahead at an elevated siting on the gable wall of a building in close proximity to the public highway. The advertisement would be a large feature at this location. Its elevated positioning, particularly with it being an illuminated advertisement, would make it a prominent and clearly visible feature. Although the illumination could be controlled it would be a feature that would attract attention, which is the primary purpose of advertisements.

6. I saw at my visit that the approach to the advertisement along Victoria Street can be a busy location as it was at the time of my visit. There are junctions leading onto Victoria Street. There is also a bus stop to one side of the highway. People congregate in this area just in front of the location of the advertisement. There were significant numbers of people crossing the road and traversing the pedestrian footpaths either side of the highway. Buses were also manoeuvring to and from the bus stop or waiting to manoeuvre into the bus stop. There is a pedestrian crossing further along Victoria Street where the traffic signals create a stop start nature to traffic movements. All of these cause a distraction for drivers.
7. The local conditions already present traffic hazards. Whilst there is no indication that the accident record is a poor one at this location and the highway in the vicinity of site is well-lit, an illuminated advertisement in the position proposed, close to the public highway, would cause an additional distraction to vehicle drivers. This would be so even with a driver exercising a reasonable standard of care for their own and other's safety.
8. The proposed display would incorporate changing images with a smooth, uninterrupted transition from one static image to another rather than being moving images, animation or motion video images. This would comply with standard industry outdoor medial code requirements. Whilst this may be so, this does not overcome my above concern or make the advertisement more acceptable in regard of highway safety.
9. I acknowledge that the advertisement would not be located such that it would interrupt the visibility of the highway or obscure traffic or other road signals. I also acknowledge that LED illuminated advertisements have become a common feature within our towns, including within Medway District. I have been provided with examples at 24 High Street, Strood and 27 Watling Street, Gillingham where the local planning authority has found LED illuminated signs acceptable. I appreciate that LED illuminated signage is widespread across the country with many highway authorities using them along motorway networks. As such, LED illuminated signage has become a less unusual distraction for drivers. However, each case can and should be considered on its own merits.
10. Conditions have been put forward that could control the level of illumination and the hours proposed for the advertisement to be turned off. The proposal would also be subject to the five standard conditions set out in the Regulations. However, given my above findings I do not consider such conditions would ameliorate my concerns sufficiently to allow consent to be granted.
11. For these reasons, I conclude that the siting of the proposed advertisement would harm public safety, that being highway safety. I have taken into account Policies BNE10 and T1 of the Medway Local Plan 2003 and the provisions of the Framework that relate to advertisements. These Policies indicate that advertisements will be permitted unless the sign constitutes a road safety hazard which would be likely to distract, confuse or obstruct the vision of road users that would increase the risk of road traffic accidents. I have concluded that the proposal would harm public safety. Consequently, the proposal conflicts with these policies.

Amenity

12. The advertisement would be located at the western edge of the conservation area. The gable wall that would host the advertisement is at one end of a row of two-storey properties with commercial units at ground floor level. Opposite are terraced residential properties. The nature of the highway is wide and well-lit at this point.
13. The proposed display would be seen against the end gable and the general mass of the surrounding buildings. It would occupy the full width of the gable elevation at an elevated position. The display, as noted above, would be large in size. However, it would not be substantially intrusively out of character within this area. I accept that it would be a bright feature. Therefore, I find that the display would appear acceptable within this locality.
14. In regard of harm to the amenity of the conservation area, the requirement is to preserve or enhance the character or appearance of the conservation area. The Council Officer's report offers little explanation as to how the size and illumination would negatively impact the conservation area. I consider the proposed display would have a neutral visual impact upon the character or the appearance and, as such, would preserve the conservation area.
15. For these reasons, I conclude that the siting of the proposed advertisement would not harm amenity, that being visual amenity. I have taken into account Policies BNE10, BNE12 and BNE15 of the Medway Local Plan 2003 and the provisions of the Framework that require advertisements not to cause detriment to the character and appearance of the land or buildings on which they are to be displayed or of the surrounding area by way of scale, size, design, materials or illumination. I have paid special attention to the preservation of the character or appearance of the conservation area. Advertisements will not be permitted if their design, materials, size, colour or siting detract from the special character of the conservation area. Given that I have concluded the proposal would not harm amenity, the proposal would not conflict with these policies.

Conclusion

16. Whilst I have found in favour of the proposal within regard to amenity, this does not overcome the identified harm in relation to public safety.
17. For the reasons given above, the appeal should be dismissed.

Nicola Davies

INSPECTOR