



Appeal Decision

Site visit made on 31 March 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/V2255/Z/25/3358304

Playtime, The Promenade, Leysdown-On-Sea, KENT ME12 4QB

- 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 Cain's Amusements Ltd against the decision of Swale Borough Council.
 - The application Ref is 24/503825/ADV.
 - The advertisement proposed is a fascia sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the fascia sign at Playtime, The Promenade, Leysdown-On-Sea, Kent ME12 4QB in accordance with the terms of the application, Ref 24/503825/ADV. 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 and additional conditions as set out in the schedule at the end of this decision letter.

Preliminary Matters

2. The advertisement consent form indicates that the fascia signage has already been put in place and I was able to view the advertisement at the time of my visit
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Background and Main Issue

4. 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.
5. The main issue is the effect of the siting of the proposed advertisement on amenity, that being the character and appearance of the area.

Reasons

6. The amusement arcade forms part of the leisure/entertainment frontages bordering both sides of The Promenade. Illuminated signage forms an integral part of the established entertainment character of The Promenade. The other premises host

signage that incorporates various types of illumination. On the opposite side of The Promenade is an amusement premises that also hosts a long frontage with fascia advertisement above incorporating illumination.

7. Large, coloured signs are a common feature along The Promenade. Whilst the fascia sign that has been removed would have been lower in height than its replacement, that signage extended across the frontage to a similar extent as that of the replacement fascia sign. The fascia sign would not extend to a height that would be significantly taller than neighbouring buildings and/or their signage.
8. During daylight hours the sign would host moving light sequences and changing colours. Nonetheless, the combination of the switching off of the white outline of the 'Playtime' text alongside the application of the Perspex filters would reduce the levels of light at the premises. Whilst the lighting will still have an impact at night time, restricting of the duration of the lighting, will prevent the impact extending late into the night.
9. Taking these matters collectively, I do not consider that the signage is overly prominent or uncharacteristic in comparison to other premises within the vicinity of the appeal site. The overall design of the fascia sign, having regard to its scale, height, width and location, would not result in harm to the character of the property or the wider area. The increased prominence of the fascia sign is not so substantial when taking into account the context of The Promenade's existing street scene frontages. Consequently, I do not find that the proposal would cause significant visual harm to the character and appearance of the area.
10. For these reasons, I conclude that the siting of the advertisement would not have a harmful effect on amenity, that being the character and appearance of the area. I have taken into account Policy DM15 of the Bearing Fruits 2031 – The Swale Local Plan that seeks development involving advertisements to be designed in a manner that minimises harm to amenity and so is material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy.
11. One letter of representation has been received to the advertisement consent application. Whilst it has been suggested that the advertisement consent application was not valid as the proposal referred to existing signage, as noted above, the existing signage has been replaced by what is currently being displayed. Concern has also been expressed to the size of the fascia sign, the nature of illumination incorporating flashing lights, moving light sequences, colour changes and illumination in the evenings. These matters have been discussed above. Furthermore, mitigation can be put in place to control illumination and duration at the site. Having regard to the interested party's concerns, I considered that the mitigation as set out within the schedule of conditions at the end of this decision letter would be sufficient to reduce any impact to an acceptable level. The Council's Environmental Health Officer has removed previous objection to the illumination on the basis that this mitigation would be sufficient to prevent the advertisement from causing a nuisance.

Conditions

12. Schedule 2 of the 2007 Regulations sets out five standard conditions to be imposed in the event that express consent is granted. The Council's questionnaire indicates

that the Council would seek those conditions to be imposed if advertisement consent were forthcoming. These are relevant to this case and should be imposed. I have included sections b), d) and e) within condition 2 as these conform with those five standard conditions as set out within the Regulations. I note these were omitted from the appellant's suggested list of conditions.

13. Other conditions have been suggested by the local planning authority and supported by the appellant in the interest of the amenity of the area and/or highway safety. A condition ensuring that the white outline to the Playtime lettering be permanently turned off is necessary. I have amended the wording of this condition in the interests of clarity. A condition requiring the illuminated signage be turned off when the premises are closed or be illuminated no later than 23:00 is necessary. A condition requiring the tinted Perspex be inspected for damage every 6 months following installation is necessary. A condition setting out the maximum illumination of the advertisement is necessary. Although the appellant has put forward a higher level of illumination of the advertisement, the parties' submissions indicate an agreed illumination limited of a maximum of 164.5cd/m². These conditions, in addition to those five standard conditions, are requested by the Council's Environmental Health Officer to ensure acceptable mitigation is achieved.

Conclusion

14. For the reasons set out above, and subject to the conditions set out in the schedule of conditions, the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 purpose 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.
- 6) The white illuminated outline to the 'Playtime' lettering shall be removed from the 'Playtime' part of the advertisement or be permanently turned off/non-illuminated.
- 7) The illuminated signage is to be turned off when the premises are closed or by 23:00 each day, whichever is the earlier.
- 8) Within 1 month of the date of this decision the tinted Perspex, as set out within the application hereby approved, shall be applied to the illuminated parts of the sign and shall be physically inspected for damage every 6 months following installation. If any damage has occurred, then the tinted Perspex shall be repaired/replaced to ensure it is operating as intended.
- 9) The levels of illumination of the advertisement hereby approved shall be limited to 164.5cd/m².

End of schedule