

Delegated Report

Advertisement Application

Planning Application No: 20240706

Location: Flank Wall 59 Milton Road Gravesend Kent

Description: Installation of a digital advertising screen (D-Poster).

Applicant: Wildstone Estates Limited

Submitted Documents/Plans

Planning Application Form;
Drawing No. 23533/PA/01 – Site Location Plan;
Drawing No. 23533/PA/02 – Existing Site Plan;
Drawing No. 23533/PA/03 – Proposed Site Plan;
Drawing No. 23533/PA/04 – Existing and Proposed Elevations; and
Covering Letter.

Relevant Planning History

Reference	Description	Decision	Decision Date
20060141	Conversion of property into a one bedroom flat and two bedroom maisonette.	Permission	20.04.2006

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- TC8 – Advertisement Control

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- SPG3 – Advertisement Control policy guidelines (2020)

Consultations, Publicity and Representations

Consultees

KCC - Highways and Transportation

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Minimum message display duration to be 10 seconds. Rate of change of messages to be instantaneous, i.e. no fading, merging, etc.
- No moving images or sequencing of images over more than one advert.
- No message sequencing where a message is spread across more than one screen image.
- The illumination of any sign which is visible from the carriageway not to be of a flashing type.
- The proposed sign to have a minimum clearance of 2.6 metres above the footway and not project within 0.6 metres of the carriageway edge.
- The maximum value of luminance must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The zones and their corresponding maximum level of luminance are detailed below:
- Size of Advert/Sign - Up to 10m²:
 - Zone E0 (Protected; dark) - 0 cdm-2
 - Zone E1 (Natural; intrinsically dark) – 100 cdm-2
 - Zone E2 (Rural; low district brightness) – 400 cdm-2
 - Zone E3 (Suburban; Medium district brightness) – 600 cdm-2 □ * Zone E4 (Urban; High district brightness) – 600 cdm-2
- Size of Advert/Sign - Over 10m²:
 - Zone E0 (Protected; dark) - 0 cdm-2
 - Zone E1 (Natural; intrinsically dark) – n/a
 - Zone E2 (Rural; low district brightness) – 200 cdm-2
 - Zone E3 (Suburban; Medium district brightness) – 300 cdm-2 □ * Zone E4 (Urban; High district brightness) – 300 cdm-2

All measurements are in Candelas per metre squared

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners.

Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to six surrounding properties. No comments have been received. The overall consultation period expired on 18 September 2024.

Officer's Analysis

Paragraph 141 of the NPPF (2023) sets out that poorly sited and designed advertisements can have a negative impact on the quality and character of an area and that advertisements should be subject only to control in the interests of amenity and public safety, taking account of cumulative impacts.

The local interpretation of this policy approach is set out in Saved Policy TC8 of the Gravesham Local Plan First Review. This policy sets out that applications for advertisement consent will be determined with reference to the adopted policy guidelines for advertisement control and that if displays are detrimental to public safety or to amenity, they will be resisted. In relation to the application site, Policies 3, 4, 7 and 8 of the Borough Council's Advertisement Control policy guidelines apply.

Policy 3 sets out that illuminated advertisements in residential areas and villages will be resisted, except in special circumstances where a function advertisement is essential for the operation of the business or activity carried on after normal shopping hours. The display of other advertisement matter will be restricted to that essential for the identification of business premises. It is likely that public houses and guest houses will fall within the category of businesses or activities carried on after normal shopping hours.

Policy 4 sets out that advertisement displays in other part of the urban area of Gravesend and Northfleet will generally be acceptable on business premises, if they related to the trade or activity carried on in the

premises. Other advertisements will be considered on their individual merits and may be acceptable if they are viewed against a commercial background and, in the case of illuminated advertisements, are adequately screened from residential property.

Policy 7 sets out that advertisement displays will be expected to comply with the following criteria – they should be sympathetic to the appearance of the building or land on which they are displayed and should not be an over-intrusive feature in the street-scene or locality;

- they should not cause or add to an impression of clutter on a building or other land.

Policy 8 sets out those advertisements should not obstruct visibility, interfere with the interpretation of road signs or traffic signals, or distract the attention of drivers.

As such the principle issues in the determination of this application are whether it is acceptable in principle to have an illuminated advertisements at the application site, and if so whether the proposed advertisements would be appropriate in public safety, amenity terms and highway safety.

Appropriateness in principle

The application site is located on the flank elevation of a domestic property in an area which is predominantly residential, with a small commercial shop (Milton Convenience Store) to the west. The property is the end of a terrace of seven located among other rows of residential terraces. There are no other advertisements within the area, with the exception of 3no. free standing hoardings to the east only.

Application Site

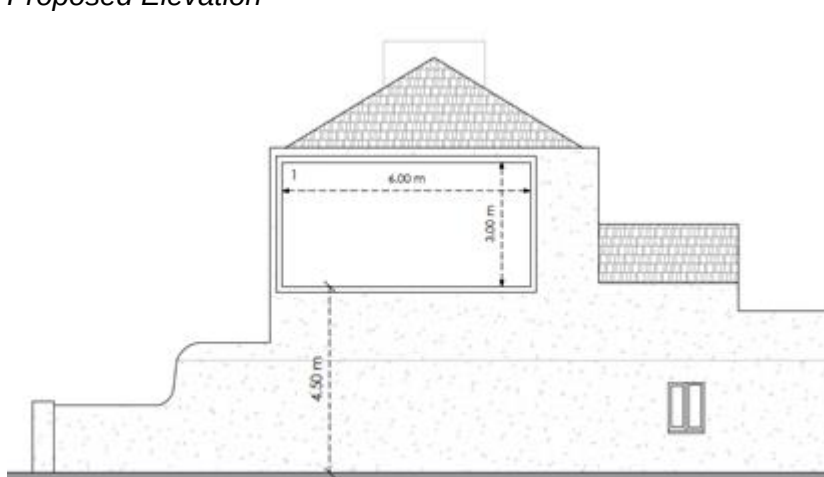


Hoardings to the East



There are no other examples of hoardings on the flank walls of residential properties in this location or the wider immediate area. The proposals seeks to add a digital screen measuring 6m wide and 3m high to the blank flank wall of this character property. It will display static advertisements on a 10 second rotation.

Proposed Elevation



This proposal would result in a large intrusive digital advertisement screen in a residential area that would dominate the upper flank walk of the dwelling, in an area where there are currently no other advertisements of its kind or size, whether paper based or digital. This would be a new feature that would be more suitable in a commercial area.

The size, design and location of this digital advertisement board would be out of character, does not relate to the building or location to where it would be and introduces a new feature that would be detrimental to the character of the building to which it sits, the surrounding properties, visual amenity of the area and

visual distraction to road users.

The development is therefore contrary to Policy CS19 of the Core Strategy, Saved Policy TC8 of the Gravesham Local Plan First Review, Policies 3, 4, 7 and 8 of the Borough Council's Advertisement Control policy guidelines and Paragraph 141 of the NPPF (2023).

Amenity

The advertisement proposed will be affixed to the flank elevation of a residential property within a residential area.

The advertisement faces onto a small area of public amenity land and footpaths between No. 59 and 60 Milton Road leading to other residential properties to the north. No. 60 Milton Road does not have any windows in its west facing flank elevation and is located 14.76m away and there are no other habitable room windows that would face directly onto the flank wall of the application site.



It is therefore considered that the proposed advert will have a minimal impact on the amenity of any surrounding properties.

The proposed level of luminance at night are in line with the Institution of Lighting Guidelines and industry best practice, ensuring the proposed display does not cause any material harm to amenity.

In terms of Policy 7, the advert is new. It will not appear sympathetic to the building, and will result in clutter due to the very size of the advert. It is in a location where it will be visible from one direction only and while there are no other hoarding immediately adjacent to the site, there are three large hoardings (including one illuminated one) within approx. 126m and the main arterial route;



An impression of clutter is likely to result from vehicles moving towards the town, having already passed three adverts, to then come across another one.

No neighbour objections have been received in relation to the proposal.

It is considered that proposed development would not be in line with Saved Policy TC8 of the Gravesham Local Plan First Review and the Borough Council's adopted Advertisement Control Policy Guidelines (SPG3) and paragraph 141 of the NPPF 2023.

Public and highway safety

As set out on Policy 8, it is very important that the sign does not become a distraction for road users, especially as it is located adjacent to a busy roundabout.

The proposed display would be seen by traffic travelling west on the A226 (Milton Road), which is limited to 30mph and has excellent forward visibility.

The Agent has stated that drivers would be able to look briefly at the display without being distracted from the road, road users and pedestrians.

Kent Country Council Highways and Transportation team have not raised an objection to the application.

No objections are raised subject to suggested conditions to control levels of illuminance and the hours different levels of illumination are permitted. No moving images, animation, video or full motion images can be displayed. The frequency of change of static images shall be limited to once every 10 seconds as stated in the application.

As such, it is considered that the proposed sign would be acceptable in public safety terms and would be in line with Saved Policy TC8 of the Gravesham Local Plan First Review, Policy 8 of the Borough Council's adopted Advertisement Control Policy Guidelines (SPG3) and paragraph 141 of the NPPF (2023).

Conclusion

By virtue of the size, design and location of the proposed digital advertisement board, it would result in a form of development that would be out of character with the property to which it is located and the overall character of the residential and historic area. It would have a detrimental impact on the visual amenity of the area. The development is therefore contrary to Policy CS19 of the Core Strategy, Saved Policy TC8 of the Gravesham Local Plan First Review, Policies 3, 4 and 7 of the Borough Council's Advertisement Control policy guidelines and Paragraph 141 of the NPPF (2023).

Recommendation

Refusal of Advertisement Consent

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Cue</i>	Signed:	
Dated:	24 th September 2024	Dated:	25 September 2024