

Appeal Decision

Site visit made on 7 April 2017

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th April 2017

Appeal Ref: APP/A1530/Z/17/3167382

Tollgate, Western Approach, Stanway, Colchester, Essex, CO3 8AA.

- 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 KFC (GB) Ltd against the decision of Colchester Borough Council.
 - The application ref: 162403, dated 23 September 2016, was refused in part by notice dated 5 December 2016.
 - The advertisement proposed is internally illuminated KFC letters and Colonel Box Sign, directional signs, height restrictor, pole sign, banner frames, menu boards.
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Procedural Matter

1. The Council issued a split decision in which express consent was granted for the majority of the signage applied for. However, express consent was refused for signs 9 and 10 detailed on the submitted plans, together with one set of illuminated KFC letters on the flank (west) elevation of the proposed building and one set of illuminated KFC letters on the back of the north-facing 'swooping' parapet.
2. My decision considers in detail the four items of signage for which consent has been refused. However, I have also assessed the overall impact of the scheme as to whether this additional signage would constitute unnecessary and harmful clutter that would impact upon the visual amenity of the locality.

Decision

3. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) Notwithstanding the details shown on the submitted plans this consent does not authorise flashing, intermittent or recurring forms of illumination.
 - 2) The advertisement signs permitted by this consent shall only be illuminated during the opening hours of the premises to which they relate.
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- 3) The maximum luminance of the advertisement signs permitted by this consent shall not exceed the standards set out in the Institution of Lighting Professionals "Professional Lighting Guide 05 (PLG 05): Brightness of Illuminated Advertisements" which, in this case is, 600 candelas per square metre (600cd/m²).

Main Issue

4. The main issue here is the impact of the proposed signage upon amenity.

Reasons

5. At the time of my visit the appeal site comprised a cleared parcel of land prior to the construction of a 'drive-thru' mixed A3/A5 restaurant use. It is situated opposite a large Sainsbury store and forms part of the Tollgate development, which includes a wide selection of outlets within a retail park setting.
6. To the west of the appeal site is recently constructed residential development (Wyvern Farm). I understand that the dwellings within this development close to the appeal site were occupied in late 2016.
7. The parties have drawn attention to Development Plan policies, national policy in the Framework¹ and to the Government's Planning Practice Guidance which they consider are pertinent to this appeal.
8. Policy UR 2 of the Core Strategy² states amongst other matters that the Council will promote and secure high quality and inclusive design in all developments.
9. Policy DP1 of the Development Policies³ requires development to be designed to a high standard and respect and enhance the character of the site, its context and surroundings. Section (iii) of the policy specifically states that development proposals must demonstrate that they will "protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight."
10. These policies and guidance have been taken into account so far as they are material to my consideration of this appeal.
11. I now turn to address each of the four advertisement signs in respect of which the Council has refused to grant express consent.

a) The totem/pylon pole sign (no. 9)

12. The totem/pylon sign was reduced in height during consideration of the application. It comprises a slender pole surmounted by a 1.6m high oval shaped illuminated "bucket" at the top incorporating the KFC logo. The "bucket" would be 1.5m in height, with a maximum width of 1.9m. The overall height of the amended pole sign would be 7.5m.

¹ The National Planning Policy Framework.

² The Colchester Borough Council Local Development Framework – Core Strategy: adopted December 2008.

³ The Colchester Borough Council Local Development Framework – Development Policies: adopted October 2010.

13. The sign would be strategically located to the north of the appeal site close to the principal means of access from the roundabout. It would be seen against the backdrop of the main building when exiting the roundabout.
14. I agree that there is a need for this important directional sign given the low height of the other signage that has been approved by the Council. The sign would be located within a retail park setting, with a large Sainsbury store opposite. In the context of that setting I conclude that the totem/pylon pole sign is both necessary and appropriate and that having regard to its siting, format and dimensions it would not have an unacceptable impact on amenity.

b) The banner sign (no. 10)

15. The proposed banner sign is to be positioned adjacent to the totem/pylon sign described in paragraph 11 above. It would not be illuminated. This particular sign is necessary for the purposes of identification of the location of the appellant's premises.
16. Having regard to the low level of this banner sign (some 2.72m at its highest point) and the fact that it would not be illuminated, I have concluded that it is reasonably necessary to provide information to potential users of the 'drive-thru' facility. Given its modest dimensions and the fact that it would be seen against the backdrop of the main building, I am also satisfied that it would not unduly impact upon the amenity of the area.

c) Illuminated sign on the flank elevation

17. The west elevation will face directly towards the new housing at Wyvern Farm. The signage at issue, however, would solely comprise the KFC logo. Although it would be illuminated, the logo would be of modest proportions when judged against the substantial west-facing elevation and would be the sole advertising feature on this side of the building.
18. Given its distance from the most adjacent new housing (some 40m) and the provision of landscaping within the intervening area, which also incorporates the main access road serving this part of the leisure quarter, I conclude that the illuminated KFC logo would not be out of character within the development as a whole or impact upon the amenity of nearby residents.

d) Illuminated sign on the back of the north-facing 'swooping' parapet

19. This signage would only be visible from the north of the site and comprises the three internally illuminated KFC letters of 0.8m in height. Having regard to the location of the north facing elevation of the 'swooping' parapet feature some 30m away from the totem/pylon pole, I do not accept that this signage on the parapet is out of character or excessive.
20. I therefore find upon the main issue that the proposed signage would not have a detrimental impact upon amenity; neither would it conflict with the relevant policies and guidance to which I have referred above.

Other Matters

21. Given the nature of surrounding development, the size of the proposed building and its permitted use as a 'drive-thru' restaurant I have concluded that the four

additional items of signage would not represent unacceptable clutter and that they would not have a detrimental impact on the largely commercial character of the surrounding area. I am also satisfied that for the reasons set out above the additional signage would not impact upon the amenity of nearby residents.

22. I note that Essex County Council Highways Department was consulted as part of the application process and that it has raised no objections to the proposals subject to a condition, which I shall impose, restricting the luminance of the advertisement signs.

Conditions

23. In addition to the five standard conditions set out in the Regulations I have re-imposed, with minor modifications, Conditions 4, 5 and 6 of the express consent granted by virtue of the split decision issued by the Council (ref: 162403 dated 5 December 2016). However, a condition requiring the development to be carried out in accordance with the submitted plans is not relevant here, since in allowing this appeal I am granting express consent.
24. My reasons for the additional conditions are:
25. Conditions 1 and 2 are necessary in order to safeguard amenity. Condition 3 is imposed in the interests of highway safety.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR