
Appeal Decision

Site visit made on 30 July 2019

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/Y1110/Z/19/3232272

Stone Lane Retail Park, Unit 1, Marsh Barton Road, Exeter EX2 8LH

- 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 Wren Kitchens against the decision of Exeter City Council.
 - The application Ref 19/0240/ADV, dated 15 February 2019, was refused by notice dated 26 June 2019.
 - The advertisements proposed are 2 No. internally illuminated and 4 No. externally illuminated fascia signs to front elevation. 1 No. internally illuminated block out fascia sign to side elevation and 2 No. non-illuminated fascia signs to rear elevation.
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Decision

1. That part of the appeal that relates to 1 No. internally illuminated block out fascia sign to side elevation is dismissed. That part of the appeal that relates to 2 No. internally illuminated and 4 No. externally illuminated fascia signs to front elevation and 2 No. non-illuminated fascia signs to rear elevation as applied for is allowed and express consent granted for their display. 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.

Procedural Matter

2. The appellant submitted amended plans during the original application to remove a number of advertisements and alter the illumination of others; the description of the proposal was also altered accordingly. Although not specifically listed on its decision notice, the Council has confirmed that its decision was based on these amended plans. I have therefore considered the appeal on the basis of the amended plans (Ref 19307-1B) and the heading above uses the amended description.
3. At the time of my site visit I saw that a number of fascia signs had been erected on the front, side and rear elevations of the building. Some of the signs are different in appearance or location to the plans before me. To avoid any doubt, I have considered the proposal on the basis of the details submitted and not the advertisements that I saw on site.

Main Issue

4. The main issue is the effect of the proposed advertisements on public safety, with particular regard to highway and pedestrian safety at the junction of Alphington Road and Marsh Barton Road.

Reasons

5. The appeal site is the end unit of Stone Lane Retail Park and is close to the signalised junction of Alphington Road and Marsh Barton Road. The side elevation faces Alphington Road at an angle, while the front elevation faces into the retail park. Part of the rear elevation can be seen from Alphington Road above the boundary wall of the rear service yard. The appeal site is separated from the highway by a grass verge containing shrubs and trees; there is a gap between the trees at the corner of the two roads, within which a large totem sign is sited.
6. The Regulations¹ require that decisions are made only in the interest of amenity and public safety. The Planning Practice Guidance (PPG) emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
7. From my observations at the site visit this is a busy junction with traffic moving along and between several lanes, together with a variety of road signs and markings. There are several traffic signals visible when approaching the junction from the south, both for pedestrians and vehicles. As such, it is clearly a location where drivers need to take more care.

Sign 4: internally illuminated block out fascia sign to side elevation

8. Sign 4, on the side elevation of the building, would be seen to the side of the traffic signals for drivers and on the other side of the carriageway and verge from those signals. Although it would be seen at some distance, its size and position would make it a prominent feature which would be in general line of sight to traffic approaching the junction, particularly for those turning right. Pedestrians would see the sign at closer proximity and in direct line of sight with signals at the Pelican crossings of Alphington Road and Marsh Barton Road towards the retail park.
9. The PPG advises that one of the main types of advertisement which may cause danger to road users are illuminated signs which because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals. Sign 4 would be a similar colour to the green traffic signals and green "walk" symbols. Given its size and location I can envisage that for some drivers the predominantly green sign in the background could mistakenly be read as a green signal. This may lead to cars running the red lights or rear end shunts if vehicles approaching the junction do not appreciate that those in front have stopped at a red light. Furthermore, there is also potential that some pedestrians could mistakenly read it as a green "walk" signal and step out into oncoming traffic.
10. I consider that a precautionary approach is appropriate in these circumstances, particularly given the traffic conditions and arrangement of the junction, as described above. Sign 4 has the potential to be mistaken for, or confused with the traffic signals, which would cause a highway safety hazard. As such it would prejudice public safety.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

11. Given the extent of street lighting around the junction, the size and colour of Sign 4 would still be seen from the road at night, therefore the limited amount of internal illumination proposed would not overcome the harm identified.
12. While it is not uncommon to have advertisements close to road junctions, this particular advertisement, because of its size, colour, location and illumination, would not be acceptable in this location for the reasons set out above.
13. The appellant refers to other similar advertisements at road junctions, with particular regard to the distance from traffic signals. In the example given in Sheffield, while the sign is closer to the junction it is seen between two well-spaced sets of signals and does not have the same relationship to them as the appeal site. Moreover, I have not been provided with a copy of the advertisement consent relating to that sign, nor have any details been forwarded relating to the application process through which it was considered. As such, it is not clear that the circumstances are comparable to the case before me.

Signs 1, 2 and 3: 2 No. internally illuminated and 4 No. externally illuminated fascia signs to front elevation

14. Approaching the signalised junction from Marsh Barton Road, the trees along the boundary of the retail park provide significant screening between the building and the traffic signals at the junction. Sign 2 (which consists of four fascia signs), and signs 1 and 3 would therefore only be partly visible from Marsh Barton Road. Although visibility would be greater when the trees are not in leaf, there would still be a clear visual separation. There are fewer traffic signals when approaching from this direction and pedestrians would only see the signs at a very oblique angle when crossing the road. Consequently, these advertisements would not hinder the interpretation of the traffic signals or lead to confusion and therefore would not prejudice conditions of public safety.

Unnumbered sign and Sign 6: 2 No. non-illuminated fascia signs to rear elevation

15. The larger of these two advertisements would be partially screened by intervening boundary treatments and vegetation when approaching the junction from the north. As such it would not be a prominent feature and would not compete with the traffic signals. Sign 6 would be small and located at a lower level, well away from the highway and would not be easily visible from the public realm. Consequently the 2 rear fascia signs would not harm public safety.
16. Accordingly, I conclude that Sign 4 would prejudice public safety because of the highway safety hazard and is unacceptable. Signs 1, 2, 3, 6 and the unnumbered rear fascia sign would not prejudice public safety. In reaching this conclusion I have taken into account paragraph 132 of the National Planning Policy Framework (the Framework) which relates to advertisements and so is material in this case.
17. The Council has cited saved policy DG8 of the Exeter Local Plan First Review 1995-2011 (the LP) and policy CP17 of the Exeter Core Strategy 2012 (the CS) in the reason for refusal. There is no reference to public safety in the wording of policy DG8, although it is mentioned in the supporting text. Policy CP17 relates to design and local distinctiveness and I have not been directed to any

part which relates to highway or public safety. Consequently, these policies have not been a decisive consideration in my determination of this appeal.

Other matters

18. The appellant places considerable importance on their brand and associated colour, and refers to the economic support that the company brings to the local economy. While I appreciate the importance of branding to corporate identity and the economic benefits of bringing a vacant unit back into use, I do not consider that these factors justify the prejudice to public safety that I have identified in respect of Sign 4. In addition, I have found signs 1, 2, 3 and 6 and the non-illuminated fascia sign to be acceptable and their presence would enable the company to project its branding without harming public safety. Thus, I am not satisfied that the benefits of sign 4 in that regard outweigh the harm in that respect.

Conclusion

19. I have found that Sign 4 would prejudice public safety and this aspect of the appeal is dismissed. I have also found that Signs 1, 2, 3, 6 and the unnumbered non-illuminated fascia sign on the rear elevation would not prejudice public safety and therefore the appeal is allowed in respect of these advertisements only.
20. A non-standard condition has been suggested by the Council to require details, including the colour, of the advertisements to be submitted and approved by the Council in liaison with the local Highway Authority. The effect would be to change the colour and design of the advertisement from what has been applied for. As I have found no harm to public safety as a result of the appearance or colour of the proposed advertisements on the front and rear elevations this condition is not necessary. In respect of the advertisements that I am allowing therefore, no non-standard conditions are necessary.
21. In respect of Sign 4, I note the appellant's concerns about brand identity and do not consider that it would be reasonable to seek material changes to the proposed advertisements by condition. The proper route for such amendments would be through a revised submission. In respect of Sign 4 therefore, the condition would not meet the tests set out in the Framework and cannot be imposed.

L McKay

INSPECTOR