



Appeal Decision

Site visit made on 25 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28th August 2019

Appeal Ref: APP/A0665/H/19/3225483

Unit 1B, Sovereign Way, Chester CH1 4QU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Gavin Bradford (Evans Halshaw) against Cheshire West & Chester Council.
 - The application Ref 18/04598/ADV is dated 27 November 2018. The advertisement proposed is A 900mm Brand Clip and Evans Halshaw Clip, C 900mm Brand Clip and Fordstore Clip, D 900mm Brand Clip and Evans Halshaw Clip, E 7000mm entrance portal, F 12m lollipop sign, G Dealer name and service sign, H 6m pylon, I 1260mm button oval.
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Decision

1. The appeal is dismissed and express consent is refused insofar as it relates to F 12m lollipop sign and I 1260mm button oval.
2. The appeal is allowed in so far as it relates to A 900mm Brand Clip and Evans Halshaw Clip, C 900mm Brand Clip and Fordstore Clip, D 900mm Brand Clip and Evans Halshaw Clip, E 7000mm entrance portal, G Dealer name and service sign and H 6m pylon, and express consent is granted for the installation of the advertisement at Ford, Unit 1B, Sovereign Way, Cheshire CH1 4QU in accordance with the terms of the application ref 18/04598/ADV, dated 27 November 2018, and the plans submitted with it, so far as relevant to that part of the advertisement hereby consented.
3. 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 Matters

4. The site address in the application form is Evans Halshaw, Sovereign Way, Chester west employment, Cheshire CH1 4QU. However, I have adopted the address used by the Council in the banner heading as this more accurately identifies the location of the appeal site.
5. The Council failed to determine the application within the prescribed time limit. However, in its appeal statement, the Council indicated that some of the advertisements would be acceptable but that it would have refused consent for the lollipop and button oval signs. I have therefore had regard to the Council's representations on all the signs for which consent was sought in my assessment of the scheme. I concur with the Council that the proposed Brand

Clips, the entrance portal, the dealer name and service sign and the pylon are acceptable. I find that these elements of the appeal scheme are clearly severable from the 12m lollipop and the 1260mm button oval and have dealt with them accordingly.

6. There appears to be a discrepancy regarding the size of the lollipop sign which is referred to as both 10m and 12m in the evidence before me. I have taken this into account in reaching my decision.
7. The proposed location of the button oval is not indicated on the Site Plan that has been submitted with the appeal. Although the appellant has stated to the appeal that it would be an internal sign, it is proposed in the Site Schedule as part of the external signage for the site and no amended plans have been submitted to the appeal to demonstrate its internal location. I have therefore dealt with it as it was on the original Site Schedule in the absence of clarity about an alternative location.
8. The appellant has indicated that he would be willing to amend the scheme to include a 6m pylon sign instead of the 12m lollipop. However, no amended plans have been submitted with the appeal. Notwithstanding that the Council failed to determine the application, I cannot be certain that, if I was to accept a suggested amendment, any party would not be prejudiced by my doing so. I have therefore determined the appeal on the basis of the plans that were accepted by the Council.

Main Issue

9. The main issue is therefore the effect of the proposed 12m lollipop sign and the 1260mm button oval on visual amenity.

Reasons

10. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.
11. The appeal site is on Sovereign Way, on a business park accessed from Sealand Road. The surrounding area is characterised by commercial units of various sizes, generally set back from the road behind grassed verges and landscape planting. Permanent signage associated with other units along Sovereign Way includes fascia signs on buildings and a limited number of stand-alone advertisements. As a result of their generally modest size in the context of their surroundings, and siting close to buildings, the existing modest and low level advertisements in the area are not conspicuous or dominant features in the streetscene.
12. The proposed lollipop would be in a prominent location at the front of the appeal site and close to the vehicular access from Sovereign Way which serves the appeal site and the neighbouring commercial premises. By virtue of its height and siting, the lollipop sign would be visible from locations in and around Sovereign Way, including to users of the highway and from residential properties on Sealand Road. It would be out of scale with the existing more modest free-standing signage present in the immediate area. It would be a

discordant feature in juxtaposition with the immediately adjacent tree canopies that characterise the road at this point. Consequently, it would be a visually obtrusive and incongruous feature that would not relate well to its surroundings.

13. Although well separated from the appeal building, from locations along Sovereign Way it would be visible in combination with the various other appeal scheme advertisements, including the pylon sign which is also proposed adjacent to the landscaped frontage to the south of the site. The overall effect would be an overly busy site frontage comprised of a disparate and large number of advertisements. Consequently, there would be a cumulative adverse effect on visual amenity in the area.
14. Although proposed as part of the external signage, the location of the internally-illuminated button oval is not illustrated on the submitted plans. I cannot therefore be certain that it would not, either alone or in combination with other signage, result in adverse effects on visual amenity in this location.
15. The brand clip and entrance portal advertisements would be located on and immediately adjacent to the front and side elevations of the appeal building. They would be in keeping with the scale with the building and they would not be prominent when viewed from the surrounding area. The dealer name and service sign would be a modestly-sized advertisement located close to the external display parking area within the site. While the 6m lollipop would be set forward from the building by a similar distance to the 12m lollipop, it would not be overly large compared to existing signage in the area and it would be seen in the context of the nearby commercial buildings. It would not therefore be visually obtrusive.
16. Therefore, notwithstanding the fact that I have found the brand clips, entrance portal, dealer name and service sign, and the pylon advertisements to be acceptable, I conclude that the proposed lollipop and button oval would be harmful to visual amenity. Policy ENV49 of the Chester District Local Plan Adopted May 2006 requires advertisements to be sensitively sited having regard to the general characteristics of the locality, to avoid detrimental cumulative impacts and not to be visually prominent in the townscape. While not determinative in my decision, I consider these advertisements would fail to accord with this policy.

Conclusion

17. For the reasons set out above, I will therefore issue a split decision, dismissing the appeal insofar as it relates to the proposed 12m lollipop and the button oval but allowing the appeal insofar as it relates to the other signage proposed as part of the appeal scheme. In doing so, I have attached the five standard conditions set out in the Regulations.

Sarah Manchester

INSPECTOR