
Appeal Decision

Site visit made on 26 November 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/A1530/Z/19/3234642

Land at Tollgate Retail Park, Tollgate West, Colchester C03 8RH

- 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 Mr Richard Page (Insite Poster Properties Ltd) against the decision of Colchester Borough Council.
 - The application Ref 191194, dated 3 May 2019, was refused by notice dated 2 July 2019.
 - The advertisement proposed is the erection of two digital advertising displays (display of illuminated static images on a 10 second sequential rotation; no special effects including animation, flashing, or fading; illumination: Display will monitor and adjust to ambient light levels. Day max 600 candela/sqm. Night max 300 candela/sqm).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have omitted the number '1' from the address taken from the Application Form, as other descriptions on the Application Form, Appeal Form and Decision Notice subsequently omit it. I have therefore determined the appeal on this basis.
3. The revisions to the height of the monopole support for the proposed displays suggested as an alternative by the appellant, would change the nature of the proposals before me. If I were to accept these revisions it would deprive interested parties of the opportunity of consultation. With cognisance of the Wheatcroft principles, I have therefore disregarded these matters in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the proposed advertisements on the amenity of the area, with particular regard to the appearance of the sites, street scene and surrounding area.

Reasons

5. The Regulations¹ and the National Planning Policy Framework state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general

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

characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest².

6. The appeal relates to two areas of planting adjacent to Tollgate Way to either end of the Tollgate Retail Park. Given that the focus of the Retail Park is to attract large numbers of shoppers, primarily by private motorised vehicles, the character of the area is dominated by its highway layout and the retail units this serves. However, together with planting elsewhere, the trees and other landscaping in the planting areas help to soften the appearance of the Retail Park within the street scene and the surrounding area, particularly when the trees are in leaf³. The planting therefore makes a positive contribution to the character of the area.
7. The proposal is to erect two digital modular LED advertising displays (Signs A and B) measuring six metres wide and three metres tall, set within an external frame and a top a monopole support. Each display would be situated just over three metres above the ground, with the overall structure being to a maximum height of just under seven metres.
8. Sign A would be angled almost parallel with the side façade of the adjacent retail unit. The existing five-metre high⁴ totem sign serving the Retail Park would be a short distance to the west of this sign. Sign B would be angled to face the junction of Tollgate Way and Tollgate Road, there would also be a totem sign adjacent, identical to that near to Sign A.
9. Both of the proposed displays would be seen in the context of the adjacent retail units. However, as their overall height would be similar, the displays would therefore not appear subservient to the retail units. They would also contrast significantly with the simple horizontal panelled façades of the units. The displays would also appear alongside the existing totem signs, lighting and CCTV columns and, in the case of Sign B, a smaller wayfinding totem closer to the Tollgate Road frontage.
10. I appreciate that the character of the area is more likely to be receptive to change. However, this does not mean that all modifications to the local environment will be appropriate or, for that matter, that all its constituent parts should inevitably be suitable for accommodating some form of built development. Moreover, the position and height of the proposed displays would diminish the effectiveness of the planting areas within the street scene, as they would either obscure planting or rise significantly above it, in the case of lower level planting. This would heighten the visual effect of the displays.
11. I have also had regard to the appellants suggestion to incorporate planting elsewhere in the Retail Park to mitigate the reduced impact of the landscaping in the two locations. However, this would do nothing to address the visual effect of the proposals in each given location, particularly as the nearest planting areas are separated by buildings and accesses into the Retail Park.
12. Whilst the reduced level of illumination proposed by the appellant for the displays would be in accordance with brightness levels in relevant guidelines,

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

³ As shown in the photographs in the Council's Officer Report.

⁴ Application Reference: 146203 – The Council provided the officer report for the totem signs, which confirmed the height of the totems close to the applications sites and other locations within the Shopping Park, including at other entrances.

the displays would nonetheless result in obtrusive features that would be detrimental to the character of the area. Furthermore, although the display images would be static and not involve flashing lights or animation, they would change every 10 seconds. Therefore, the proposed digital modular LED advertising displays would be prominent and obtrusive in public views.

13. For the above reasons, given their size, location, and method of illumination, the proposed displays would appear oppressive and visually dominant within the sites and street scene; and would add visual clutter to the detriment of the character of the surrounding area. I therefore conclude that the proposal would harm the visual amenity of the area.
14. I have taken into account the provisions of policy UR2 of the Colchester Local Development Framework Core Strategy, which was adopted in 2008 and updated in 2014; policy DP1 of the Colchester Borough Development Policies, which was adopted in 2010 and amended in 2014; and paragraph 130 of the National Planning Policy Framework, so far as they are material, in accordance with the Regulations⁵. Together these policies require that development be designed to a high standard and will respect and enhance the character of a site, its context and surroundings and the way it functions, particularly in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features.

Conclusion

15. For the reasons given above, I conclude that the appeal has been dismissed.

Paul Thompson

INSPECTOR

⁵ Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007