
Appeal Decision

Site visit made on 21 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2020

Appeal Ref: APP/A0665/Z/20/3256932

Royal Mail Depot, Brook Street, Chester CH1 3AA

- 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 Alright Media against the decision of Cheshire West & Chester Council.
 - The application Ref 20/01885/ADV, dated 29 May 2020, was refused by notice dated 22 July 2020.
 - The advertisement proposed is a new pair of illuminated 48-sheet advertisement displays.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the advertisement on (i) the amenity of the area and (ii) public safety.

Reasons

Amenity

4. The appeal site comprises land adjacent to a car park used in connection with the Royal Mail Depot. The land is positioned at a much lower level than the adjacent Hoole Way bridge. The double-sided illuminated advertisement would be erected on a steel monopole and would be visible just above the parapet walls on Hoole Way Bridge which is a main thoroughfare into and out of the City. It would present a range of LED digital static images changing no more frequently than every 10 seconds.
5. Owing to the size, position and illuminated nature of the advertisement it would be prominent and conspicuous when viewed by pedestrians, cyclists and motorists that use the very busy Hoole Way bridge. From this bridge, there

are wide vistas of the City including glimpses of the listed Cathedral as one turns the bend in the road. The immediate area is characterised by a mixture of commercial and residential properties which mainly have muted tones. There is a distinct absence of illuminated advertisements in the area and the emphasis when driving over the bridge is one of an urban landscape where the dominant characteristic is a mixture of modern and more traditional buildings of varying heights. In addition, and as one approaches the bridge away from the City, there is a greater emphasis on views of the tops of trees and the rooftops of buildings thereby giving the passer-by the visual impression of transitioning into a more open and less built up area.

6. The illuminated panels would be significantly larger than each of the streetlamps. The changing coloured/illuminated images would appear in direct and unacceptable contrast to the mainly muted tones of the nearby buildings and the walls of the bridge.
7. I acknowledge that there are streetlights along one side of the bridge. However, they are slim-line in appearance and are not seen as dominant features in the street-scene. In contrast, the advertisement panels would be large and would include digital images that would change. To the passer-by, the proposal would appear dominant and intrusive detracting from the simplicity and uniformity that is afforded to the bridge and its parapet walls. As one enters the bridge in an outbound direction, the advertisement would also appear prominent and bright on the skyline. Overall, it would be seen as a harsh and lurid addition to this part of the urban landscape.
8. I do agree with the appellant that owing to the position of the advertisement, which would be on the right hand side of the bridge as one travels into the City, views towards the listed Cathedral would not be significantly impaired. However, this finding does not overcome or alter my other views expressed above.
9. I therefore conclude that the proposal would have a significantly adverse effect on the amenity of the area. It would not therefore accord with the amenity requirements of policies CH 6, DM 3 and DM 17 of the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies 2019 (Part 2 Local Plan) and paragraph 132 of the National Planning Policy Framework (the Framework).

Public Safety

10. Whilst my site visit was only a snapshot in time, I was able to see that the bridge included a steady volume of vehicular traffic in both directions and that the pavements were in use by pedestrians.
11. I agree with the Highway Authority (HA) that this is an area where drivers have to be particularly alert. The carriageway over the bridge bends, the flow of traffic is two way and without any intervening barriers, and there are pedestrians using both pavements. Whilst I did not see any cyclists on my site visit, it is very likely that many would want to use this mode of transport when visiting the City. With the introduction of an illuminated advertisement at this point, which would include changing digital images, I consider that it is very likely that some motorists and cyclists would be distracted thereby resulting in a loss of concentration. Hence, the proposal has the potential to result in

collisions and conflict on the bridge thereby causing unacceptable harm to highway safety.

12. I do not consider that the proposal would give rise to unacceptable highway safety impacts with reference to use of the junction into the Building Supplies premises or the Training Centre. Whilst the advertisement would to a limited extent be noticeable from this junction, I nonetheless do not consider that it would be materially distracting for motorists owing to its location and separation distance.
13. The HA consider that there would be distractions and adverse highway safety impacts for those travelling in an outbound direction. However, the vehicular approach to the bridge is relatively straight in this direction and the proposed advertisement would be seen at some distance. Furthermore, unlike the inbound route over the bridge there are no service roads which would need the careful focus and attention of cyclists and motorists. Whilst the advertisement would be very noticeable to motorists and cyclists leaving the City, in this case I do not consider that it would be likely to lead to unacceptable highway safety impacts. However, this does not overcome my concerns relating to potential conflicts on the bridge where greater driver concentration is needed.
14. I therefore conclude that the proposal would have some unacceptable impact on highway/public safety failing to accord with the highway safety requirements of policy STRAT 10 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies 2015; policy DM17 of the Part 2 Local Plan and paragraph 109 of the Framework.

Other Matters

15. I acknowledge the positive contribution that the advertisement would have in economic terms. However, this benefit is not of sufficient magnitude to outweigh my conclusions on the main issues.

Conclusion

16. I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR