



Appeal Decision

Site visit made on 11 March 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/A1530/Z/21/3280208

Greenstead Road, Colchester C01 2SQ

- 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 Wildstone Group Limited against the decision of Colchester Borough Council.
 - The application Ref 211061, dated 13 April 2021, was refused by notice dated 11 June 2021.
 - The advertisement proposed is for the upgrade of one existing 48-sheet advertisement billboard to a digital display and the removal of two other billboards.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.
3. Annexe M of the Procedural Guide, Planning Appeals, England (2019) and the national Planning Practice Guidance (PPG) advise that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal, rather a fresh planning application should usually be made. Moreover, it is important that the evidence which is considered by the Inspector is essentially the same as that which has been considered by the Council, and on which interested parties views were sought.
4. Nonetheless, when the appeal before me was made, the appellant requested that I make my decision on revised plans. In certain circumstances a proposal can be amended through revised plans during an appeal. However, in line with the Wheatcroft principles¹, I can see that there are differences between the proposal that was considered by the Council and the revised scheme. As such, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and have also been subject to consultation. To do otherwise would prejudice not only the interests of the Council but also interested third parties and consultees, who may have observations to make on the revised scheme. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment (JPL, 1982, P37)

Background and Main Issues

5. The Regulations², the Framework and the PPG all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reasons for refusal refer to Policy DP1 of the Colchester Borough Council Local Plan Development Policies 2010 (with selected Policies revised in July 2014) (CLP) and Policy UR2 of the Colchester Borough Council Local Plan Core Strategy 2010 (revised July 2014) (CCS), and Paragraph 136 of the Framework. I have taken these Policies into account insofar as they relate to amenity. However, the Council raise no objection to the proposed advertisement in respect of public safety, and having assessed the proposal, I see no reason to disagree.
6. The main issues in this case are therefore, the effect of the advertisement display on the visual amenity of the area and the neighbouring occupiers.

Reasons

7. The appeal site is located on Greenstead Road at the junction with Hythe Station Road, and is also opposite the residential dwellings which line the main highway and those seen on St Andrews Avenue above. To the side and rear of the site there is a food retail store and industrial and warehouse type buildings.
8. To the front border of the site there are three static billboards which are externally illuminated. One is positioned directly at the junction with Hythe Station Road, while the other two line Greenstead Road as it runs towards the town-centre. Two additional static billboards can be seen on the same side of Greenstead Road which are located just beyond the appeal site boundary.
9. The proposal is to remove the two static billboards found on Greenstead Road and to replace the corner billboard with a digital display board.
10. The appellant has brought to my attention in their statement of case a number of paper billboards that have been replaced by digital boards. However, I have limited details of those schemes before me, which moreover are in a different location altogether. Therefore, I have considered the proposal before me on its own planning merits.
11. As such, I noticed at my site visit that the existing billboards are simple poster-type displays which appear to have been long established on the site, and that there are no obvious examples of illuminated display boards or other lit signage in the very nearby area. In contrast, although the contemporary-style board would not contain any movement or flashing lights, the proposed board would nonetheless display internally illuminated static digital images which would change as frequently as every 10 seconds. Therefore, irrespective of the surrounding standard-type street-lighting, the substantial and changing images would be significantly sharper and brighter than the modest existing boards and un-illuminated business signage, such as those seen on the food retail store or the nearby car rental offices.

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

12. Indeed, notwithstanding that the location, orientation and size of the corner display will remain unchanged, the proposal by reason of its position, and illumination would be more prominent than the existing display boards, and hence dominate the street-scene.
13. Moreover, as Greenstead Road is a busy thoroughfare that runs up to Greenstead Roundabout through a residential area, the display would be readily seen from both directions along the highway when travelling by foot or in a motor-vehicle, as well as by those emerging from Hythe Station Road.
14. Furthermore, whether the display would have an adjustable brightness that would accord with the Institute of Lighting Professionals Technical Note 5 or not, the regular movements of the board would be particularly visible during nightfall and on darker days of the year. This would be the case even if dimmed to 150 candelas per square metre. What is more, the advertisements would be on continuous display to the occupiers of the numerous residential dwellings on the other side of the road. Consequently, the proposal would be likely to negatively affect the residential amenity of at least some of the existing or future occupiers.
15. I conclude therefore, that the proposal would harm the surrounding visual amenity and also the amenity of the occupiers of the residential dwellings on this part of Greenstead Road.
16. In accordance with the Regulations, I have taken into account Policy DP1 of the CLP and Policy UR2 of the CCS which seek to, amongst other things, to ensure a high standard of design, and for development to respect and enhance the character of the site, visual and residential amenity, and so is material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these Policies and the guidance contained in Paragraph 136 of the Framework which outlines that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

17. The appellant forwards that the modern-style advertisement board would not harm highway safety and also reduce the need for maintenance visits to the site. In addition the appellant contends that the board could display certain types of useful public or charitable information, and that income generated by the board would support the local and wider economy. However, even if the two additional boards along Greenstead Road were to be removed as part of a revised scheme, or a condition were to be imposed that would limit the use and operation of the display board, these matters do not significantly and demonstrably outweigh the harm to the amenity that I have found above.

Conclusions

18. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR