
Appeal Decision

Site visit made on 1 June 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/A1530/G/22/3291691

**Land at the junction of Mile End Road & North Station Roundabout,
Colchester, Essex CO4 5BT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the display of an advertisement with deemed consent.
 - The appeal is made by Mr John Geoffrey Bolitho against discontinuance action by Colchester Borough Council.
 - The Council reference is 004849. The Discontinuance Notice is dated 15 December 2021. The advertisement concerned is 2 x free-standing non-illuminated 48 sheet static panels each measuring 6.2 m wide x 3.1 m high above a plinth of 1.2 m.
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Decision

1. The appeal is allowed and the discontinuance notice is quashed.

Main Issue

2. The main issue is whether the advertisement causes a substantial injury to the amenity of the locality.

Reasons

3. The appeal is against a discontinuance notice served against the display of two non-illuminated static 48 sheet panels situated on a rising grass bank adjacent to the North Station roundabout. The advertisement, whilst replaced in 2018, appears to date from about 1939 and there is no dispute it has deemed consent, presumably by virtue of Advertisement Regulation 6 Class 13. The site lies next to one of the busiest junctions in Colchester where two linked roundabouts on the A134 also serve the main town railway station and a nearby superstore/retail park.
4. Despite the longstanding nature of the advertisement, the Council argue that substantial injury to the amenity of the locality has arisen by virtue of conflict with Policy UR2 of the Core Strategy, Policy DP1 of the Development Policies (both adopted in 2014) and Policy SA TC1 of the Site Allocations document adopted in 2010. The first two impose policy requirements for the district as a whole, to deliver better places, to enhance built character and public realm, and to avoid unacceptable impacts on amenity. Policy SA TC1 is more site specific, relating to appropriate uses in the North Station Regeneration Area which includes the appeal site. Whilst nothing in the policy directly refers to advertisements, it states all new development will be expected to contribute to the enhancement of the public realm.

5. As the Site Allocations document observes, the area serves as a key gateway to the town and its vision to change and modify the street environment around the station and road junctions to create a strong 'welcome' is appreciated. However, the area is inevitably dominated by the two linked roundabouts and necessarily busy with circulating vehicular traffic and pedestrian movements. Whilst there is small-scale residential development to the north-west, the area is characterised by large scale buildings, Station Square to the west, a large ASDA store to the east, and most notably the Big Yellow self-storage building which forms the immediate backdrop to the advertisement panels.
6. The three storey Big Yellow building was permitted by the Council in the 2000s and includes large high-level advertisements, the ASDA building has a large logo on the elevation facing the appeal site and a grouped advertisement for occupiers of the Turner Rise Retail Park is located adjacent to the eastern roundabout. In this large scale, transport dominated, urban context with other prominent displays nearby the two 48 sheet panels in their roadside position do not appear significantly jarring or incongruous.
7. The rising grass bank on which the panels are mounted is well maintained and it is in the appellant's interests that this continues to be the case. The policies quoted by the Council have been in place for ten years or so without previous action and there is no suggestion that any significant changes have recently occurred in the area to alter the way the panels are perceived.

Conclusion

8. Whilst having regard to the policies quoted by the Council, for these reasons the two non-illuminated static 48 sheet advertisement panels do not cause substantial injury to the amenity of the locality, the relevant test in the case of a discontinuance notice.
9. The appeal should therefore be allowed and the discontinuance notice quashed.

David Reed

INSPECTOR