
Appeal Decision

Site visit made on 26 July 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH August 2022

Appeal Ref: APP/Y3940/Z/22/3299327

Land at Porton Road adjacent to Lovibond House, Sunrise Way, Amesbury SP4 7GR

- 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 Alight Media against the decision of Wiltshire Council.
 - The application Ref PL/2022/02218, dated 11 March 2022, was refused by notice dated 11 May 2022.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application described the site address as being land at Lovibond House, Sunrise Way, Amesbury. The advertisement would be located within an area of landscaping next to the roundabout on the corner formed by Porton Road and Solstice Park Avenue. Lovibond House is located on Sunrise Way, but the advertisement would be some distance from this road. The Council have referred to the advertisement as being at Porton Road rather than Sunrise Way, and as this was consistent with what I saw at my site visit and more accurately describes the location of the advertisement, I have referred to this address above.

Main Issue

3. The Council refused the application with regard to the effect of the advertisement upon the amenity of the area. As public safety matters have not been raised by the parties, the main issue is the effect of the advertisement upon the amenity of the surrounding area.

Reasons

4. The proposed advertisement would be located close to the public footway that is to one side of the roundabout that links Porton Road with Solstice Park Avenue. Solstice Park is a large estate comprising a variety of industrial, service, and retail buildings. The estate has a deliberately planned appearance, a feature of which is that the principal roads have deep swathes of landscaping separating the buildings and their ancillary uses from the public realm. This is the case with Porton Road and Solstice Park Avenue, whereby

the deep landscaping areas to these roads form cohesive and homogenous settings to the industrial buildings.

5. The advertisement would be located close to the roundabout, in front of the deep bank of trees and shrubs that are growing between the public highway and Lovibond House. This building and others along Sunrise Way are positioned at a much higher level than the roundabout, with the trees and shrubs forming a deep verdant setting when approaching from the north.
6. Given the verdant backdrop to the proposed advertisement, it would appear harmfully intrusive, particularly as it would be the only large, illuminated advertisement within this landscaping area. The large size of the advertisement along with its tall height and illuminated nature, would make it conspicuously visible from long distances away, including when approaching the estate along Salisbury Road and London Road.
7. Although the advertisement would be within an area where there are a variety of buildings and uses, the planned and deliberately landscaped nature of the estate remains relatively free of other advertisements and signs. There are road signs near the roundabout, but apart from these the entrance to the estate has an uncluttered appearance, being dominated by the roads and associated landscaping rather than advertisements and signage. Of those signs and advertisements that are nearby, such as for the public house, hotel and restaurants, they are positioned upon these buildings or within their grounds and are seen as an integral part of each. The proposed advertisement would have no such contextual relationship with either a building or its associated uses. The advertisement would be set apart from any nearby building within an area of landscaping, and given this positioning, its conspicuously imposing impact would be harmfully exaggerated.
8. The mix of uses within the estate and the nature of the road network both within it and along the A303 would be such that the area would be illuminated by both street lights and lighting within and upon premises. In addition, some of the signs and advertisements for nearby premises were illuminated. The estate would be brightly lit during hours of darkness. Nevertheless, the size and height of the advertisement would be such that it would form a bright and intrusive feature in a highly prominent position. The combination of the size of the advertisement and its prominence as well as its setting against the homogenous backdrop of the landscaping would make it stridently visible within the surrounding area, including from the high ridge of land to the north at Salisbury Road. Whatever image would be displayed, including public health messages, the bright impact of the advertisement would be unacceptably conspicuous and distracting both close up and from long distances away.
9. The appellant refers to the increasing presence of advertisements similar to that proposed. However, the circumstances of this case are such that the advertisement would be unacceptably incongruous within its setting. The advertisement could be remotely serviced, and the appellant has suggested conditions controlling illumination intensity and for the frequency and nature of image changes. However, neither these measures nor the conditions suggested by the Council would mitigate the significant and unacceptable harm to the area that would arise from the presence of the advertisement.
10. The main parties have referred to Policy 57 of the Wiltshire Core Strategy (2015) (CS). Although not determinative in advertisement cases, the Town

and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that the provisions of the development plan can be taken into account as far as they are material. CS Policy 57 requires amongst other things, that signs and advertisements are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials, thereby reflecting objectives of the National Planning Policy Framework (the Framework). Having regard to my findings above, the advertisement would fail to accord with this policy.

11. In addition to the above referenced policy, the appellant has drawn my attention to CS Policy 35. This policy is concerned, amongst other things, with the retention, intensification and safeguarding of existing employment sites. The advertisement may make some contribution to achieving these objectives, but such benefits would be limited and would not outweigh the substantial harm that I have found.

Other Matters

12. The Council have referred to the advertisement being in an Area of Special Control for Advertisements (ASCA), albeit the appellant has queried the extent of the ASCA, whether it has been reviewed or indeed whether it was ever made. Whilst noting the concerns of the appellant, the particular circumstances of this case are that both the original application and the appeal seek consent for the advertisement, and consequently I am obliged to consider the appeal upon that basis, having regard to the impact of the advertisement upon amenity.
13. The appellant has referred to the advertisement being the sustainable development that is sought by the Framework. However, the Regulations and the Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety, albeit taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Consequently, economic and environmental benefits arising from the advertisement are not matters for my consideration.

Conclusion

14. The advertisement would unacceptably harm the amenity of the area, and the suggested conditions would not mitigate this harm. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

JJ Evans

INSPECTOR