



Appeal Decision

Site visit made on 3 August 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2022

Appeal Ref: APP/Z1510/W/22/3297677

Starbucks, Galleys Corner, Braintree Road, Cressing, Essex CM77 8GA

- 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 for the display of an advertisement.
 - The appeal is made by Mr Mark Hepburn, 23.5 Degrees Limited against the decision of Braintree District Council.
 - The application Ref 22/00143/ADV, dated 21 January 2022.
 - The advertisement proposed is installation of 6m internally-illuminated totem pole.
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Decision

1. The appeal is allowed and express consent is granted for the display of the installation of 6m internally-illuminated totem pole as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matter

2. Since the submission of the appeal the Council have adopted the Braintree District Local Plan 2013 - 2033 (2022) (the Local Plan), which replaces the Braintree District Local Plan Review (2005) and the Braintree District Local Development Framework Core Strategy (2011). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of the changes in policy.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

4. The appeal site is located within a commercial area at Galleys Corner. There are a number of advertisements visible which is not uncommon for a commercial area such as this. Advertisement types are varied within the immediate area, some units have totem advertisements.
5. The advertisement the subject of this appeal, advertising Starbucks Drive Thru, is located adjacent the commercial unit to which it would relate. Whilst there are other totem advertisements in the area, none are situated along Millennium Way which has landscaping between the road and the commercial units.

Notwithstanding this travelling along Millennium Way advertisements are clearly visible within the commercial area.

6. In assessing amenity I have taking into account the advertisements on nearby commercial units. Whilst the advertisement before me is in an area where there are no totem pole advertisements currently, I observed that the advertisement would identify the adjacent use clearly and is similar to the general characteristics of the area.
7. The advertisement is not incongruous to the area or the commercial unit itself. I conclude that the display of the 6m internally-illuminated totem pole would not be detrimental to the amenity of the area.
8. I have taken into account policies LPP1, LPP47 and LPP52 of the Local Plan which seeks to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
9. I find no conflict with the National Planning Policy Framework (2021) which seeks to protect the quality and character of places from poorly sited and designed advertisements.

Conclusion

10. The appeal is allowed and consent granted for the display of the installation of 6m internally-illuminated totem pole on the terms set out in the Decision.

C Pipe

INSPECTOR