
Appeal Decision

Site visit made on 14 September 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/Z1510/Z/22/3300298

Land at Colemans Bridge, Colchester Road, Witham, CM8 3HP

- 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 Braintree District Council.
 - The application Ref. 22/00706/ADV, dated 11 March 2022, was refused by notice dated 27 May 2022.
 - The advertisement proposed is single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted Section 2 of the Braintree District Local Plan 2013 - 2033 (BDLP2) after the determination of the application. It has confirmed that policies of the Braintree District Local Plan Review (2005) which were listed in the reasons for refusal have been superseded, and some draft policies of the BDLP2 have been renumbered in the newly adopted plan: draft Policy LPP50 is not obviously of relevance, and I have disregarded it, and LPP55 has been renumbered in the adopted Plan as LPP52. The council has also referred in the appeal to new Policy LPP47 (Built and Historic Environment).
3. The Council has supplied a copy of the combined adopted Braintree District Local Plan (BDLP1 and BDLP2), and Appendix 2 to that document confirms that Policy RLP90 is replaced by LPP52, and Policy RLP107 is included in a list of policies which have been cancelled with no direct replacement.
4. Although development plan policies are not the determining factor in advertisement appeals, the appellant was invited to comment on the adopted policies. For the avoidance of doubt, I have had regard to these policies so far as they are material to the matters of amenity and public safety.
5. The address of the appeal site and the description of the proposal in the banner heading above have been taken from the planning application form.

Main Issues

6. The main issues are the effect of the proposal on amenity and public safety.

Reasons

Amenity

7. The proposed sign would be sited on the forecourt of a trading estate on an approach road to the town of Witham from the A12. This area is commercial in nature, with a range of industrial estates and business premises along and off the road. However, although the area is clearly commercial, to a degree the visual impact of its buildings and activities is softened by mature vegetation to the main roadside boundaries.
8. The Coleman's Bridge Trade Park has totem signs either side of its entrance but is otherwise quite open, and the area of the proposed sign would be set behind a grass verge and slightly elevated above the adjacent footway. It would be positioned in front of parking spaces, and slightly separate from the buildings behind.
9. Despite the range of signage in the area there are few poster-style advertisements, and the closest example to the west along Colchester Road has limited impact on approach to the town, being a non-illuminated panel set within a landscaped backdrop. In contrast, the proposed sign would be far more prominently sited close to the junction, and its visual impact would be significant due to its large size on an open frontage, and poorly related to the commercial premises behind. Its presence in the street scene would be exacerbated by the frequently changing content that would 'draw the eye'. Given its scale, I do not agree that it would be viewed as an incidental roadside feature.
10. The Planning Practice Guidance¹ (PPG) advises that, in assessing amenity, the local characteristics of the neighbourhood must be considered. This might mean that a large poster-hoarding would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood. Whilst I am mindful that the site is within a commercial area, Witham is not a major city, and Colchester Road is not dominated by signage, or advertisements of this scale. The absence of residential properties and heritage assets may make the site less sensitive, but does not address the atypical scale of the proposal in this prominent location.
11. The appellant advises that digital poster panels are now increasingly commonplace across the main urban areas of the country, replacing more dated paper and paste billboards. However, this is not an area where the 48-sheet roadside format is established, and therefore the proposal would not have the benefit of enhancing an existing outdated situation.
12. I have taken into account BDLP2 Policies LPP47 and LPP52, which amongst other criteria seek high standards of design which create good quality built environments in commercial and business districts, and so are material in this case. As I have concluded that the proposal would harm amenity, the proposal conflicts with these policies, and with the National Planning Policy Framework, which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

¹ Paragraph: 079 Reference ID: 18b-079-20140306; Revision date: 06 03 2014

Public Safety

13. The appeal site is located near a busy, traffic-controlled road junction, close to slip roads to and from the main A12 highway. Combined with the access into Coleman's Bridge Trade Park, and the road into 'Eastways' industrial estate, this is a reasonably complex junction for vehicles to negotiate.
14. I note that Essex County Council highways department raises no objection to the proposal subject to a limit on luminance levels. This is in contrast to the comments of National Highways (NH) as the authority for the Strategic Road Network, who expressed concern at the interval changeover time of every 10 seconds. This was stated as being below National Highway's general guidelines, of no more than two separate advertisements in any 60 seconds. However, NH noted that the siting of the sign may impact more on traffic using the B1389 than the Strategic A12, and neither body objected to the siting in principle.
15. Despite these conflicting consultation responses, the PPG makes clear that it is for the local planning authority to decide whether they agree with the advice from the highway authority on any particular case, and that they should not rely on it automatically². Having visited the site and viewed the activity around the road junction – albeit on one weekday morning – I am persuaded that this junction is a location where drivers need to take particular care³, and I do not consider it likely that less care would be needed once road widening and junction improvements are complete. Whilst the PPG notes that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, this is also an approach road to the town that happens to pass through a business area.
16. The appellant has cited guidance from the Transport for London commissioned document 'Guidance for Digital Roadside Advertising and Proposed Best Practice' 2013. However, the status of this document is not known, and in any event has not been adopted as guidance by the local Council. On the basis of the information provided, this large display that would be subject to frequent digital changes would have the potential to cause unnecessary distraction to road users navigating the road junction and travelling along Colchester Road. Although drivers may be accustomed to seeing roadside advertising, at this junction signage tends to be for business identification or directional. Notwithstanding the intention to avoid advertising which involves 'excessive eye dwell time', the introduction of the proposal would be a distraction that has the potential to be detrimental to public safety.
17. In so far as material to public safety, I conclude that the proposal would conflict with BDLP2 Policy LPP52 (m), which seeks to avoid development which has a detrimental impact on the safety of highways or any other public right of way, and its users. I am not satisfied that the potential risks could adequately be controlled through the use of planning conditions.

Other Matters

18. I appreciate the economic benefits of the proposal in terms of local business promotion. I do not dispute the appellant's case that outdoor advertising is vital to employment and commerce and is a commercial activity just like

² Paragraph: 071 Reference ID: 18b-071-20140306; Revision date: 06 03 2014

³ Paragraph: 067 Reference ID: 18b-067-20140306; Revision date: 06 03 2014

factories, so can be appropriate to the street scene wherever there is commercial activity; and that it provides a service to the public. However, whilst it clearly has an important role, the signage must be considered in the context of amenity and public safety, and in this instance I am not persuaded that the scale and nature of the proposal would be acceptable in either regard.

19. The appellant has drawn attention to some other digital displays for which consent was granted elsewhere in the County. However, limited details have been provided to enable a comparison with the appeal proposal, although I note that two appeared to be replacements of existing illuminated displays. As such, I have given these limited weight in my assessment.

Conclusion

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

H Lock

INSPECTOR