



Appeal Decision

Site visit made on 20 September 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/A0665/H/22/3300139

73 New Crane Street, Chester CH1 4JE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Graeme Hughes, Alight Media, against Cheshire West and Chester Council.
 - The application Ref 22/01026/ADV is dated 11 March 2022.
 - The advertisement proposed is a double sided, freestanding 48 sheet sized digital LED advertising unit.
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Decision

1. The appeal is dismissed, and advertisement consent is refused.

Preliminary Matter

2. This appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. During the course of the appeal the Council outlined its concerns with the proposal and provided putative reasons for refusal.

Main Issues

3. The effect of the proposal on visual amenity and public safety.

Reasons

Visual Amenity

4. The appeal site is located within a car park on the south side of New Crane Street. The locality is predominantly commercial in character, due to the presence of various businesses, surface car parks and utilitarian features including a substation and electricity pylon. Nevertheless, there is a distinct lack of large, digital advertisements within the street scene. The limited number of advertisements tend to be of a small scale, sited on commercial properties and non-illuminated.
5. The proposal would be of a substantial scale and would occupy a raised position. By virtue of its siting and design, it would be a vibrant addition which would appear as an incongruous and obtrusive feature in the street scene. It would fail to assimilate with the area's modest, commercial context.
6. I note there is one example of a billboard within the locality however it is not of a digital format and is sited in an inconspicuous position adjacent to and

beneath the railway bridge, such that it is not the dominant feature in this part of the street scene. Conversely, the proposal would be a prominent, standalone addition.

7. The content to be displayed on the proposal could not be controlled however, even if it were used to display public information or emergency messages, this would not overcome the harm I have identified.
8. Accordingly, the proposal would harm the visual amenity of the area. The Council has cited Policies DM3 and DM17 of the Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (the LP2) which it considers to be relevant to this appeal. I have taken them in to account as material considerations. However, the powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors.
9. Accordingly, whilst I have taken them into account along with the National Planning Policy Framework (the Framework), and I also note the conflict with particular criteria of LP2 Policy DM17, these policies and guidance have not, by themselves, been decisive.

Public Safety

10. The proposed advertising unit would directly face west bound traffic along New Crane Street and would also be at a slightly oblique angle to eastbound traffic. At the time of my mid-morning site visit the traffic using the highway was continuous. Given the access it provides to and from Chester city centre, it is reasonable to assume that it is a busy and important route into and out of the city centre. The appeal site is also within close proximity to Chester Racecourse.
11. As such, the area is likely to become busy, particularly during peak times and on days when races occur. The presence of the yellow box junction, typically used to prevent gridlock, supports my view that the area may become extremely busy. Whilst the junction next to the appeal site may not be particularly complex, there are signal controlled pedestrian crossings, cycle lanes and road markings to be aware of. In order to make decisions, navigate through the area and be alert to and accommodate various road users, drivers in this vicinity, particularly those who may be unfamiliar with the area, would have to have high levels of concentration.
12. The proposal, by virtue of its obtrusive positioning and design, would pose as a significant distraction to road users. The content of the advertisements and the changes between them, even if instantaneous, would draw the eye of drivers travelling in both directions. A distraction in this locality, at a point where considerable concentration is required, would cause danger to road users and heighten the risk of collision. The proposal would not therefore be in the best interests of highway safety.
13. Conditions which could restrict the images to be displayed to be static, along with other conditions controlling luminance and transition of images, would not be sufficient to overcome the harm I have identified.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

14. Consequently, the proposal would have an unacceptable risk to public safety. Whilst not decisive, the proposal would conflict with Policy STRAT10 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies, Policy DM17 of the LP2 and the Framework which seek to control advertisements in the interest of public safety.

Other Matter

15. The appeal site is located within the City Centre (Chester) Conservation Area (the CA). It is common ground between the main parties that the proposal would not harm the significance of the CA. Given the commercial character of the immediate locality, I concur that the proposal would preserve the character and appearance of the CA as a whole. This is a neutral matter.

Conclusion

16. Having regard to the above, and all other matters raised, the appeal should be dismissed.

H Ellison

INSPECTOR