



Appeal Decision

Site visit made on 17 November 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/A1530/Z/21/3287097

Stane Retail Park, Unit D, Western Approach, Stanway CO3 8DW

- 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 Mr Roland Stanley, on behalf of Aldi Stores Limited Chelmsford, against the decision of Colchester Borough Council.
 - The application Ref 212485, dated 7 September 2021, was refused by notice dated 25 October 2021.
 - The advertisement to which the appeal relates is described in the Council's decision notice as 1no. internally illuminated totem sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1no. internally illuminated totem sign in accordance with the terms of the application. 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 and the following additional conditions:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m².
 - 2) The internally illuminated totem sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Preliminary Matters

2. The Colchester Local Plan 2017-2033 Section 2 (Local Plan Section 2) was adopted in July 2022, after the Council issued their decision. The Council has confirmed that Core Strategy policy UR2 and Development Plan policy DP1, referred to in their decision notice, are now superseded by Policy DM15 of the Local Plan Section 2. I have therefore disregarded the superseded policies. Both parties have had an opportunity to comment on this change.
3. The Regulations, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have had regard to the policies referred to in the Council's decision notice, where still relevant, and the Local Plan Section 2 policy referred to above. However, these policies have not been decisive in my determination of this appeal.
4. In the banner heading, the description of the advertisement to which this appeal relates reflects that the Council issued a split decision, allowing 3 illuminated and 6 non-illuminated signs pursuant to the original application. I have therefore set out the description of the refused advertisement from the

Council's decision notice only, omitting reference to the approved advertisements. This describes the advertisement to which this appeal relates more succinctly than the description contained within the application form.

5. Based on the evidence before me and my own observations, the totem sign has already been installed and consent is therefore being sought retrospectively.
6. The Council's decision does not refer to public safety as a reason for refusal. No concerns have been raised by National Highways or the local highway authority in this respect. There is therefore no evidence before me to indicate the appeal advertisement has a harmful effect on public safety.

Main Issue

7. The main issue is the effect of the appeal advertisement on the visual amenity of the area.

Reasons

8. The appeal advertisement is a 'H' shaped totem sign, located within Stane Retail Park. It sits in a small area of landscaping, at the entrance to the carpark of the associated store and adjacent to the main vehicular and pedestrian route into the wider retail park. I saw on site there is an existing tall totem sign on the southern side of the retail park, displaying store names, and two lower-level entrance signs either side of the main vehicular access.
9. The appeal advertisement is highly visible within the retail park itself, however it is well related to its associated commercial unit, marking the entrance to the site. On approach to Stane Retail Park and from the public footpath to the west, it is viewed with a backdrop of large commercial units behind and so does not appear unduly obtrusive or out of character. Furthermore, limited screening is currently provided in some views by tree planting around the area, which in time will further soften its presence.
10. Though the appeal advertisement sits close behind the two entrance signs, they are considerably lower in height and of a simple design, so their presence is limited. These therefore do not contribute significantly to any sense of a proliferation of totem signs in Stane Retail Park. The other existing totem sign is some distance away with a large commercial unit between and so does not feature prominently in the same context as the appeal advertisement.
11. Within the adjacent commercial area (Stane Park), on the opposite side of the main road, there is a KFC restaurant and Starbucks coffee shop. Both feature their own tall monopole signs adjacent to the road. There is also a smaller totem sign near KFC displaying store names at Stane Park, and another totem sign serving the large supermarket and petrol station nearby. To the west, there is a large contemporary residential development.
12. There are therefore several similar signs in the wider area. However, except for the two signs adjacent to KFC, they are reasonably spaced and do not appear cluttered together. For this reason, and due to intermittent screening provided by buildings and trees, it is difficult to view all within the same context from public areas. While the majority are visible together in some long views from the adjacent residential area, they are primarily viewed with a backdrop of the retail parks and wider commercial area, where such signs can be expected.

Ultimately, I do not find that the presence of the existing signs in combination with the appeal advertisement has led to a harmful proliferation of such signs.

13. The Council has raised concerns that allowing the appeal advertisement may set an undesirable precedent for further such totem signs within the retail park. However, there is no evidence to indicate each unit would seek individual totem signs were this appeal be allowed, or that this would be feasible. The appellant's evidence indicates the owners of the site do not intend to allow other tenants to install totem signs. Even if they did, each proposal must be considered on its own merits and allowing this appeal would not preclude the Council from refusing future applications for totem signs in this area.
14. I have considered Policy SP7 of the Colchester Borough Council Local Plan 2013-2033 Section 1, adopted February 2021, and Policy DM15 of the Local Plan Section 2. These policies, amongst other things, seek to ensure new development responds positively to local character and context and is designed to a high standard. I have also taken account of paragraph 136 of the Framework, which highlights that the quality and character of places can suffer when advertisements are poorly sited and designed. I conclude that the appeal advertisement does not cause harm to the visual amenity of the area. Accordingly, the appeal advertisement does not conflict with the above policies.

Conditions

15. The Council have suggested conditions should the appeal be successful. I have considered these and amended where appropriate in light of the PPG.
16. The first suggested condition specifies the 5-year standard time limit for the consent, before setting out 5 "standard conditions". These appear to be derived from those set out within Schedule 2 of the Regulations, albeit with some variations. The appellant has raised concerns regarding the fifth "standard condition", which relates to advertisements that may be hazardous to the use of any highway, railway, waterway or aerodrome.
17. The 5 standard conditions set out in the Regulations apply to all such advertisements in England and cannot be varied or removed. Consequently, it is not necessary for me to repeat these conditions on this decision. It is therefore also not appropriate to attach variations of them, as suggested by the Council. However, the appellant should ensure they are familiar with the 5 standard conditions set out in the Regulations.
18. The application form indicates the appeal advertisement is illuminated to a level of 42cd/m². The Council has suggested planning conditions to ensure the illuminance level does not exceed 300cd/m² and the sign is only illuminated during the opening hours of the associated store. These conditions would be reasonable given the application form details and the appeal advertisement's location and orientation in relation to residential areas adjacent. Additional conditions are therefore attached to secure these measures accordingly.

Conclusion

19. For the reasons given I conclude that the appeal is allowed.

Ryan Cowley

INSPECTOR