



Appeal Decision

Site visit made on 25 April 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/A1530/Z/22/3310859

Unit A1 - A3, Stane Retail Park, Tollgate, Colchester CO3 0NU

- 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 Marks and Spencer Plc against the decision of Colchester Borough Council.
 - The application Ref 221948, dated 3 August 2022, was refused by notice dated 16 September 2022.
 - The advertisement proposed is an illuminated 3D lettering sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the sign on amenity.

Reasons

3. The signage relates to the rear elevation of the commercial unit where a sign is currently in place. The unit forms part of a wider commercial area which extends to the south. The A12 and its slip roads pass close to the site to the north. Although this is a large commercial area, the A12 corridor is heavily landscaped in the vicinity and as a result there is little to indicate its presence until very close. Housing to the south of the A12 is more discernible to both the east and west but this too is generally screened to some extent.
 4. Despite the intervening trees and vegetation, the building and the sign is evident when on the westbound slip road, the westbound carriageway when in close proximity and from Penguin Parade, which is the housing area immediately adjacent to the west. It is also evident from the east bound carriageway when close to the site and the off ramp, although these views involve looking back when driving. I was able to experience these views with the trees in full leaf and during the day. At this time of day, the existing sign would not have been noticeable except for the fact that I was particularly looking for it.
 5. No evidence has been presented with regard to views of the site in winter or with the sign illuminated during darkness. I also have no evidence as to the lighting regime at the rear of the unit although I anticipate that it would be
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illuminated and therefore the presence of the building more noticeable at night. Given my observations with regard to the amount of trees currently in place, I anticipate that the sign would be evident from both the westbound slipway and the main westbound carriageway during winter evenings and nights. It would be noticeable in oblique views from Penguin Parade. Although visible from the eastbound carriageway and slip road, the position of the sign and its proximity to the area with the highest density of trees, would make such views less likely. There may be views from the raised roundabout associated with the junction but at this point, the more urban form of the area is already evident.

6. Given that such care has been taken to limit the prominence of development in this area by the retention of trees and the setting back of buildings from the highway, I consider that this isolated advert would detract from the visual amenity of the area, particularly when travelling westbound on the A12 during darkness hours in the winter months. Whilst the rear service area may be illuminated at these times, the advert would nevertheless be an isolated and distinct feature. I also find that the illumination of a sign in this location would increase the prominence of the development when viewed from Penguin Parade. I conclude therefore that the sign would result in harm with regard to visual amenity.
7. Reference has been made to the nature of the commercial park and other associated advertisements. The commercial area does include numerous signs. However, its design ensures that many of these face the internal areas of the overall site. Others, on the periphery and in locations where the commercial properties are clearly evident and prominent, have different characteristics where the presence of the commercial area is already a dominant feature. The lack of prominence of the building hosting this sign and its very low key wooded setting, provides a very different context. With regard to the examples of other roadside developments along the A12 corridor, these are not generally comparable as both the buildings and signs are clearly evident above or within the landscape framework.
8. Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) requires that development responds positively to local character and context. Policy DM15(i) of the Colchester Borough Local Plan 2017 -2033 (2022) has similar requirements with regard to detailed design features. The proposal conflicts with these aspirations. The Regulations require that decisions be made only in the interests of amenity and public safety and therefore, these policies cannot be decisive. However, the conflict supports my main conclusion.
9. The proposal would result in harm to visual amenity. The matters put forward do not outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR