



Appeal Decisions

Site visit made on 26 April 2023

by J Hobbs MRTPI MCD BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/D0650/H/22/3311445

Green Oaks Centre, Green Oaks Way, Widnes, Halton WA8 6UD

- 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 Savills (UK) Limited against the decision of Halton Borough Council.
 - The application Ref 22/00285/ADV, dated 27 May 2022, was refused by notice dated 12 October 2022.
 - The advertisement proposed is for the installation of non-illuminated signage for car park management system on existing car park.
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Decision

1. The appeal is allowed and express consent is granted for the display of non-illuminated signage for a car park management system on the existing car park at Green Oaks Centre, Green Oaks Way, Widnes, Halton WA8 6UD 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.

Preliminary and Procedural Matters

2. The Application Form covered the application for planning permission and consent to display advertisements. Therefore, the description of the proposal on the application form included references to development which is beyond the scope of an application for consent to display advertisements. Furthermore, Section E of the Appeal Form identifies that the application for advertisement consent only concerned the pole mounted non-illuminated signs for the car park management system. I have therefore amended the description of development in the banner above to remove reference to the associated planning application.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Advertisement Regulations) does not include a provision for a retrospective application for advertisement consent. The appellant has confirmed on the application form that the works have started and been completed. However, during my site visit I observed an advertisement scheme that was different to that shown on the application plans. Two of the signs identified on the Signage Location Plan weren't present within the car park, and the alignment of the signage around the pay and display machines was also different to what is shown on the plan.
4. I have therefore assessed the advertisement scheme shown on the application plans as this is the scheme that has been applied for and consulted on. I will refer to it as the proposed scheme throughout my decision; albeit some aspects have already been installed.

5. Regulation 9 of the Advertisement Regulations outlines the requirements for applications for express consent. A plan drawn to an identified scale, showing the direction of North which identifies the location of the site by reference to at least two named roads and the proposed position of the advertisement is required. The As Existing Site Location Plan (drawing no. 8709-BOW-A0-ZZ-DR-A-P001 rev. P2) and Signage Location Plan (drawing no. 8709-BOW-A0-ZZ-DR-A-P002 rev. P3) conform with these requirements. The application plans also show a red line which is identified as the site boundary; however, this is not a requirement of the Advertisement Regulations. Two proposed advertisements are shown outside of the site boundary but given the boundary is not a requirement of the application, these advertisements are still considered as part of this application for advertisement consent.
6. The postcode for the site address listed on the appeal form and application form were different, it has been clarified with the appellant that the correct post code is WA8 6UD.
7. Paragraph 18b-026 of the Planning Practice Guidance (PPG) indicates that unless the nature of the advertisement is, in itself, harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading, unnecessary, or offensive to public morals. Whilst concerns have been raised by the Council and interested parties in relation to other factors, this decision can only assess the effect of the proposed advertisement scheme on amenity and public safety.

Main Issue

8. The main issue is the effect of the appeal proposal on amenity and public safety.

Reasons

9. The proposed advertisements would be sited within a large car park which serves Widnes Market, Green Oaks Shopping Centre and the wider town centre. The surrounding uses are predominantly commercial with large roads separating the car park from the nearest residential properties. There are already many advertisements in the surrounding area of varying size and design, including those advertising the market and retail units within Green Oaks Shopping Centre.
10. The proposed advertisement scheme includes the installation of poles to attach non-illuminated signage to, as well as attaching non-illuminated signage to existing street furniture such as street lighting.
11. The modest scale and siting of the proposed advertisements largely around the perimeter of the car park and at the end of car parking bays, would be viewed alongside existing advertisements and would blend into their urban surroundings. The signs would also include relatively neutral colours, consisting of largely white backgrounds with black and blue text and blue banners. Paragraph 136 of the National Planning Policy Framework requires the cumulative effect of advertisements to be considered. Whilst there would be a significant number of signs, they would cover a significant area and would be sufficiently separated. I therefore do not consider that cumulatively they would have a harmful effect.

12. The proposed advertisements would not produce any noise and therefore they would have a neutral effect on the aural amenity.
13. The advertisement consent application concerns the installation of poles and non-illuminated signage only. The ability to charge for car parking is outside of the remit of my assessment.
14. Given the above, I conclude that the overall amenity, and particularly the amenity of the market traders and neighbouring residents, would not be materially affected by the proposed advertisement scheme.
15. Turning to public safety, Regulation 3(2) of the Advertisement Regulations identifies factors relevant to amenity and public safety, but the list is not exhaustive. PPG paragraph 18b-068 describes the type of adverts which may cause a danger to road users and criterion (f) refers to "those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles."
16. Whilst the content of the advertisement is not a matter for consideration, the overall size of the signage is a factor which would affect the font size. The Council and interested parties have contended that the size of the text on the signage would mean it would be difficult for people, with the protected characteristic of age and disability, to read its content. No substantive evidence has been put before me to indicate how many people would find the signs too small, or to the extent to which they would be disadvantaged.
17. Nevertheless, I acknowledge it could be challenging for some aspects of the signage to be read by those with visual impairments. However, in this instance there is many signs, and they are generally positioned around the perimeter of the car park. Whilst it may be challenging for some users to read the signs, it would ensure that people reading them would not be at risk of a traffic collision as they would be able to stand on the footpaths. Therefore, the proposed advertisement scheme would not result in an unacceptable public safety risk to users, including those with visual impairments.
18. Given the Council and interested parties have raised concerns about the readability of the signs, for people where the protected characteristics of age and disability are engaged, I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010. Nevertheless, the size and siting of the signs would not result in unlawful discrimination of people with protected characteristics or fail to advance equality and opportunity to foster good relations.
19. In the interest of protecting amenity and public safety, I have imposed the five standard conditions outlined in Schedule 2 of The Advertisement Regulations on the advertisement consent.

Conclusion

20. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety.

J Hobbs

INSPECTOR

