



Appeal Decision

Site visit made on 17 August 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/B1550/Z/23/3319408

**Land east of Ashingdon Road and north of Rochford Garden Way,
Rochford, SS4 1TA**

- 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 Bloor Homes (Eastern) against the decision of Rochford District Council.
 - The application Ref 22/00962/ADV, dated 29 September 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the erection of advertisement approximately 4.25m high in total, free-standing post and panel signage, "V-Board" (chevron) style. Advertisement type: "Coming Soon".
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Decision

1. The appeal is allowed and express consent is granted for the erection of advertisement approximately 4.25m high in total, free-standing post and panel signage, "V-Board" (chevron) style. Advertisement type: "Coming Soon" on land east of Ashingdon Road and north of Rochford Garden Way, Rochford, SS4 1TA in accordance with the terms of the application, Ref 22/00962/ADV, dated 29 September 2022, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Bloor Homes (Eastern) against Rochford District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application form described the proposed development as "approximately 4.25m high in total, free-standing post and panel signage, "V-Board" (chevron) style. Advertisement type: "Coming Soon" in respect of the development at Bloor Homes at Rochford". The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issues

4. The main issues in this case are: i) the effect of the proposed advertisement on the residential character and visual appearance of the area; and ii) the effect on public safety due to its location and potential to cause public disorder.

Reasons

5. The appeal site forms part of a larger site located at land east of Ashingdon Road, Rochford that has planning permission for residential development. That permitted scheme includes development of 662 dwellings, a community building and associated infrastructure, along with the formation of access from Ashingdon Road at Nos. 148 and 150 Ashingdon Road. Implementation of the permission has now commenced on site, leading to the demolition of Nos. 148 and 150 Ashingdon Road and formation of a construction access. The proposed advertisement would be located in the former frontage of 150 Ashingdon Road on land which is currently vacant. Once fully implemented, the approved access would be adjacent to the sign.
6. The area immediately surrounding the site is primarily residential, with Holt Farm Infant and Junior schools situated on the western side of Ashingdon Road. The proposed chevron-board is located approximately 40m north of a signalised pedestrian crossing. The sign would have 2 'faces' in a 'V' formation, each side of the advertisement being 1.5m wide by 3.05m high. The advertisement would stand on poles, about 1.45m from the ground, so that the top of the advertisement would be some 4.25m from ground level. It is proposed to be sited some 5.6m from the carriageway and some 3.8m from the footway.
7. My assessment is confined to the issues of amenity and public safety:
 - Regulation 3(1) – "A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors."; and
 - National Planning Policy Framework paragraph 136 – "Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
8. Regulation 3(2)(b) states that factors relevant to public safety include:
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
9. Planning Practice Guidance states: 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 (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals. (ID 18b-026-20140306)
10. Policy DM37 of the council's Development Management Plan, December 2014, states that the design and siting of advertisements throughout the district must have regard to the access and visual impact of the building(s) on which they will be displayed and the character of the surrounding area. It states that advertisements will be permitted providing that they do not add visual clutter or detract from visual amenity of the area, they are appropriately designed and

sited within the context of the area, relating well to building(s) to which they are attached. This policy also explains that advertisements should not generate an excess of signage which would create a cluttered street scene and advertisements should be of appropriate size in relation to the building(s) or other advertisements within the area. Advertisements should be suitably illuminated without adding to light pollution or whose intensity does not affect visual amenity or road safety.

The effect of the proposed advertisement on the residential character and visual appearance of the area

11. In terms of amenity, the proposed sign would be at a point where there is considerable change to the built environment, also impinging on the countryside location behind the built development on the eastern side of Ashingdon Road. The development that the sign would relate to has been given planning permission and the development has commenced. Therefore there is inevitably an impact on the appearance of the area and, during the development phase, an inevitable degree of disruption to the general ambience of the immediate locality.
12. That being said, the proposed advertisement would be a minor feature in the streetscene that can hardly be described in itself as disruptive of the appearance of the area, or having any real impact on amenity or the visual appearance of the area. There is no other advertisement of a similar type or scale that I saw in the vicinity, so that it cannot be said that the advertisement would create an excess of signage which would create a cluttered streetscene.

The effect on public safety due to its location and potential to cause public disorder

13. As to public safety, this type of advertisement is regularly seen in locations where major new housing developments are taking place. There has been no evidence put to me that these advertisement have given rise to hazards to public safety, and no objection is raised by the highway authority which states "... the position of the proposed advertising board is stationed clear of the public highway and clear of all conditioned visibility splays associated with the adjacent access junction. No illumination is proposed".
14. As noted by the highway authority, the proposed advertisement would not impede relevant highway visibility splays, including the junction visibility splays in relation to the approved vehicular access into the development site that would be advertised. In this regard the relevant visibility splay is calculated by a 2.4m set back from the carriageway (Ashingdon Road) taken at a central point within the future vehicular access with splays projecting from this setback for a distance of 43m in both northerly and southerly directions.
15. It is true that the advertisement would be in the vicinity of a of a signalised pedestrian crossing, and the Holt Farm Infant and Junior schools are situated on the western side of Ashingdon Road, opposite the appeal site. Having taken careful note at my site visit of the surroundings, I am clear that the proposed advertisement would not have such an impact or be so dominant and distracting that it could, with reason, be said to endanger public safety due to its presence.
16. Taking a rational approach to the idea that the sign could have the potential to cause public disorder, due to the wording of the sign, it is difficult to conceive

on what basis this could come about. I will refrain from commenting on photographs provided as part of the appeal documentation that appeared to show members of the public objecting to the permitted housing development in a way that could be construed as endangering vehicular and pedestrian safety on the public highway.

Conclusions

17. I have taken into account policy DM37 of the Development Management Plan which seeks to protect amenity, and so is material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy.
18. I have found that the proposed advertisement would not bring a harmful effect to the residential character and visual appearance of the area, and nor would public safety be put at risk due to its location. There is no rational basis to think that there would be potential to cause public disorder. Therefore I will allow the appeal.

Conditions

19. The officer's report sets out a number of conditions that should be imposed on a consent. I have considered these in the light of Planning Practice Guidance (PPG). The conditions 1 to 6 should be imposed pursuant to Schedule 2, Regulation 2 and Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Condition 7 is for certainty and avoidance of doubt as to the development permitted. An eighth condition was also proposed that would require the advertisement to be removed prior to the first use of the future access; but this access is already in use for construction vehicles. I therefore consider that this condition would not meet the 6 tests set out in paragraph 56 of the Framework.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) This consent shall expire at the end of a period of five years from the date of this decision notice.
- 2) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3) No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 4) Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 7) The advertisement hereby permitted shall be carried out in complete accordance with the following approved plans: EA-155-SL-151, EA-155-SL-150 Rev A, dated Sept 2022 (Revised 17.11.2022).
- 8) The advertisement hereby permitted shall be removed prior to the first use of the future access area shown shaded pink on plan EA-155-SL-150 Rev A (dated Sept 2022 (Revised 17.11.2022)) by vehicles.

End of Schedule