



Appeal Decision

Site visit made on 7 November 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2023

Appeal Ref: APP/A1530/Z/23/3325980

Equity House, Bergholt Road CO4 5EY

Easting (x): 599227 Northing (y): 226452

- 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 Wildstone Estates Limited against the decision of Colchester Borough Council.
- The application Ref 231124, dated 30 March 2023, was refused by notice dated 14 June 2023.
- The advertisement proposed is a digital advertisement hoarding to display static advertisements on rotation.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the regulations) to control advertisements may only be exercised in the interests of amenity and public safety. I have therefore taken Policy SP7 of Section 1 of Colchester Borough Local Plan 2021 (CLP Section 1) and Policy DM15 of Section 2 of Colchester Local Plan 2022 (CLP Section 2) into account insofar as they are material, but they have not been decisive in my decision.
3. The Council have also referred to Policy NC1 in their refusal reason, although this seems to relate to land and premises in North Colchester and Severalls Strategic Economic Area of which the appeal site is not part. As I can only take policies into account as far as they are material, the provision of this policy is not a matter to which I give any significant weight.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. The appeal site is situated facing North Station Roundabout between the station access on the northern side of Colchester railway station and Bergholt Road. The appeal scheme consists of a freestanding 48-sheet single sided digital display measuring 6.0 metres x 3.0 metres and supported on a solid base 1.2 metres in height. The hoarding would be located within an area of landscaping which is elevated above the highway retained by a wall along the back of the footway. The base of the advert panel would be approximately 3.8 metres above the level of the footway. It would comprise a digital LED panel

showing instantaneously changing displays. The displays would be static but would change frequently.

6. The roundabout is a busy multi-limbed complex signalised junction. The area has a mixed character with residential scale development on exits from the roundabout to Bergholt Road and Mile End Road and large scale commercial development to the east of the roundabout. It is also heavily dominated by railway infrastructure which lies immediately to the south of the roundabout.
7. Whilst there are two traditional poster hoardings on an open area of grass verge in front of a warehouse storage facility on the east side of the roundabout, the appeal site surroundings are markedly different in character. With a verdant landscaped backdrop, generous grass verges in the middle of the roundabout and a residential backdrop on Bergholt and Mile End Road, a small advert panel in the refuge between the entrance and exit to the station and a temporary banner in the landscaped area, advertisements do little to commercialise the site's setting.
8. Thus, the presence of the appeal proposal here would be incongruously out of character as it would be viewed against a backdrop of trees which form a substantial and pleasant landscaping buffer between the roundabout and development beyond. It would be visible when approaching the roundabout on the A134 from the south where it would be seen in the context of residential scale development on Bergholt Road. Its height above the footway would be imposing and dominating, particularly for pedestrians passing by. Further, the impact of the proposal would not be softened or enhanced by new planting indicated to the front of the proposal.
9. Whilst the area is street lit and other premises are externally lit, the presence of a digitally illuminated advertisement display in this location would be much brighter and more conspicuous than any of these forms of lighting. Controls to limit levels of luminance would not overcome the conspicuousness and dominance of the panel in this location.
10. I therefore conclude that the proposed advertisement panel would by reason of its height, size and illumination, adversely affect the visual amenity of the area. It would appear incongruous in its elevated position close to the retaining wall and against the verdant surroundings of the landscaped area upon which it would be situated.
11. Whilst the Planning Practice Guidance (the PPG) states that large poster hoardings should be permitted in commercial areas, it also states that factors relevant to amenity include the general characteristics of the locality also need to be taken into account in coming to a view that the proposal would not have an adverse effect on the amenity of a locality.
12. In accordance with the regulations and insofar as they are material considerations, the proposal would therefore be contrary to Policy SP7 of CLP Section 1 and Policy DM15 of CLP Section 2 which seek to ensure that all development is of high quality and responds positively to its context. It would also conflict with the design aims set out in the National Planning Policy Framework and guidance set out in the PPG.

Other Matters

13. I note the benefits of the appeal proposal put forward by the appellant in terms of sustainable development and economic development and acknowledge that the advertising industry is changing the way it is managed, monitored and maintained. There would be a benefit in that one panel would be able to support multiple advertisements unlike traditional poster sites. The proposal may facilitate the removal of less well-located advertising sites elsewhere. Nevertheless, no mechanism is before me which would ensure that this would be the case, and I have not been advised of a specific hoarding or hoarding which the proposal before me would replace. Therefore, I cannot be certain that the removal of traditional poster hoarding close by or elsewhere would take place because of this proposal. Consequently, I afford this benefit little weight.
14. The appeal site is not located in a conservation area or close to any listed buildings, and the level of illumination could be controlled by condition. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issue.
15. My attention has been drawn to the other advertisement hoardings on the opposite side of the roundabout. Whilst these are located close the appeal site, their context differs in that they are positioned in an open area of grass verge in front of a large commercial warehouse building and close to a superstore and other retail outlets. Furthermore, neither of these panels are illuminated. Other advertisement consents referred to appear to relate to signage on business premises and are therefore not directly comparable to the case before me. Consequently, I am not persuaded that the presence of these advertisements would outweigh the harm that I have found on the main issue or lead me to reach an alternative conclusion.

Conclusion

16. For the reasons set out above, I conclude that the display of the advertisement would be detrimental to the interests of amenity. Thus, the appeal is dismissed.

K L Robbie

INSPECTOR