



Appeal Decision

Site visit made on 10 September 2019

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/W3330/Z/19/3231135

Approved coffee shop with drive-thru facility, Westpark 26, Wellington TA21 9AD

- 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 Costa Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 43/19/0033/A, dated 5 April 2019, was refused by notice dated 11 June 2019.
 - The advertisement proposed is described as 1 x pole sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. Consideration of advertisements is limited to matters of amenity and public safety. The Council has raised no objections related to public safety. The main issue is therefore the effect of the advertisement on amenity.

Reasons

3. The proposed sign would serve a coffee shop, which, at time of my visit, was under construction. The coffee shop is located at the edge of a business park, close to a large roundabout which lies on the road linking the M5 with Wellington.
4. The general locality features street lights, and a number of substantial existing signs, including those at a filling station and pub/hotel to the north and south of the site respectively. In each case these signs have a reasonably close physical and visual relationship with the buildings they serve, and are, for the most part, viewed against those buildings, or against adjacent vegetation. This reduces their degree of visual prominence within the general setting.
5. The proposed pole sign would stand in an open space some distance from the coffee shop. It would be of similar height to adjacent street lights, but given the presence of the sign at high level, dissimilar in appearance. Viewed from the north, travelling towards Wellington, and indeed approaching the coffee shop from the roundabout, the height of the pole sign, combined with rising levels, would give it an unusually high degree of visual prominence. This would be further accentuated by the fact that the sign would be viewed against the sky, and would be illuminated.

6. I note that the pole sign would be less prominent viewed from other directions. I have also taken into account the functional character of the business park. However, the undue prominence of the sign viewed from the north would nonetheless cause it to appear visually obtrusive. Furthermore, given the somewhat weak spatial relationship between the pole sign and the coffee shop, it would additionally be perceived as visual clutter.
7. The appellant states that a 4.6 metre non-illuminated version of the sign could be installed with the benefit of deemed consent. It is clear however that a non-illuminated sign almost half the height of that for which express consent has been sought, would have a far more modest visual presence. As such the effects on amenity would differ significantly.
8. I accept that the sign is purposely prominent, that its function is to draw the attention of drivers on adjacent roads during both the day and night, and that it is part of a package of advertising generally deployed at Costa drive-thru sites. I further note that the parties dispute the extent to which the sign is necessary in this context. The business need or requirement for the sign is however a consideration which falls outside the limited matters of amenity and public safety, upon which control over advertisements is exercised. I have not therefore considered these matters further.
9. Two appeal decisions within which Costa signage was allowed elsewhere, have been drawn to my attention by the appellant. One of the appeals related to a sign apparently similar to that within the current appeal. Both sites are however located elsewhere in the country, one in Scotland. Whilst I have limited details of the character of the locations in question, it is highly unlikely that in either case this identically matched that of the current appeal site. Furthermore, given that the assessment of effects on amenity are necessarily site-specific, these decisions cannot be considered to provide justification for the proposed signage.
10. For the reasons outlined above I conclude that the advertisement would cause unacceptable harm to amenity. I have taken into account Policy D2 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 (the DMP), which states that development which would harm the visual qualities of routes into and out of Wellington will not be permitted; and Policy D3 of the DMP, part (c) of which states that adverts signs will not be permitted where they are unduly prominent or create visual clutter when viewed with any existing signs; and so are material in this case. In view of my findings and my conclusion above, the proposed advertisement conflicts with these policies.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR