

## PLANNING APPEAL DECISION

**Lead Officer:** Tony Pomfret – Development Control Manager

**To inform Members of a recent advertisement appeal decision in respect of a site at Pelican Service Station, Loop Road North, Whitehaven**

**Recommendation:** That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

**Resource Implications:** Nil

### 1.0 SUPPORTING INFORMATION

1.1 Advertisement consent for the siting of two internally illuminated free standing double sided display units, at the Pelican Garage on the outskirts of Whitehaven was refused on 30 April 2009 for the following reason:-

"By virtue of its scale, siting and design the proposed free standing display units represent obtrusive and dominant features within a predominantly residential area and adjacent to the main northerly approach road into the historic town centre of Whitehaven and constitute unnecessary additional commercialism at variance with Policy ENV 40 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Guidance Note 19 "Outdoor Advertisement Control".

1.2 A subsequent appeal against the decision has been DISMISSED. The Inspector concluded that the signs when seen from the public highway would appear incongruous in relation to the residential properties and would add unrelated clutter detrimental to the interests of amenity and the appearance of the area. A copy of the Inspector's decision letter is appended to this report.

**Contact Officer:** Rachel Carrol– Planning Officer

**Background Papers:** A copy of the Inspector's decision letter is appended.



# Appeal Decision

Site visit made on 22 March 2010

by **Anthony Lyman** BSc(Hons) DipTP  
MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
6 April 2010

**Appeal Ref: APP/Z0923/H/09/2107464**

**Pelican Service Station, Loop Road North, Whitehaven, Cumbria, CA28 6EA**

- 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 Primesight Ltd. against the decision of Copeland Borough Council.
- The application Ref 4/09/2097/0, dated 13 March 2009, was refused by notice dated 30 April 2009.
- The advertisement proposed is 2 No. internally illuminated, free standing, double sided display units.

## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue is the effect of the proposed display units on the character and appearance of the area.

## Reasons

3. The Council refer to Policy ENV 40: Advertisements, of the Copeland Local Plan 2001-2016 which sets out a number of criteria, all of which must be met for permission to be granted. The Regulations require that decisions be made only in the interests of amenity and public safety, and therefore, the Council's policy alone cannot be decisive. However, it is a material consideration which I have taken into account in determining this appeal.
4. The appeal site contains a petrol filling station and is located between the acute junction of New Road, (A5094) and Loop Road North (A595 trunk road) on the outskirts of Whitehaven. With the exception of the service station and auto related activities to the rear of the site, the area is predominantly residential with mostly semi-detached properties fronting both roads. The northern, triangular end of the site between the paved commercial forecourt and the busy junctions is open land which, at the time of my site visit was unused and surfaced with hardcore. The proposal is to site 2 No. free standing, double sided, six sheet advertising units on this vacant land.
5. The existing illuminated totem signs adjacent to the vehicular entrances to the forecourt relate directly to the petrol station activities, illustrating brand and fuel prices. However, the proposed units would display general advertisements not related to the existing operation. They would appear detached from the main forecourt operation sited on the open land about 14m and 10m from the

two entrances to the garage forecourt. Given this location away from the commercial activities, I am not persuaded by the appellants' argument that they would *appear as only minor features within the context of the overall forecourt furniture*.

6. The freestanding, internally illuminated signs would be highly prominent when seen from the public highway and would appear incongruous in relation to the residential properties which overlook the site. By virtue of their position, scale and design they would add unrelated clutter to the existing operations and advertisements on the site and would be detrimental to the interests of amenity and the appearance of the area.
7. Furthermore, I note that although neither the Highway Authority nor the Highways Agency raised objections to the proposal, Cumbria Police expressed concern about the potential impact of the signs on drivers' visibility. The area around the site is particularly busy with numerous traffic turning movements occasioned by the junctions between the A5094 and the A595 and the additional short link between these two roads on one side of the proposed display units' location, and the two entrances to the petrol filling station on the other. I share the views of the Police that the units would reduce the line of sight at these busy junctions, particularly for those drivers turning right on to the trunk road from the link with New Road. This detrimental impact on public safety adds to my concerns about the proposal.
8. Therefore, for the reasons given and having had regard to all other matters raised, I dismiss the appeal.

*Anthony Lyman*

INSPECTOR