

PRESTON BROOK PARISH COUNCIL

RE: 25/00252/ADV - Installation of a 3.878m Internally Illuminated Double-Sided Advertising Totem Proposed to be located at Bridgewater Grange, Chester Road, Preston Brook.

SUBMISSIONS OF PRESTON BROOK PARISH COUNCIL

Introduction and Statutory Context

1. This document sets out Preston Brook Parish Council’s representations to formally object to the above application for advertisement consent (“the Application”) by James Hall Ltd for the erection of a 3.878-metre internally illuminated double-sided advertising totem (“the Proposed Advertisement”) adjacent to Chester Road, at the centre of the village settlement and forming the gateway entrance to the Bridgewater Grange residential development. This objection details grounds of visual intrusion, scale, incongruity, cumulative impact, harm to heritage setting and sense of place, and harm to the residential character of the village centre.

2. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, Halton Borough Council must determine the Application in accordance with the statutory development plan unless material considerations indicate otherwise. This “presumption in favour of the development plan” requires compliance with the policies of the Halton Delivery and Allocations Local Plan (“DALP”) adopted March 2022, unless cogent and reasoned justification for departure is provided as ruled in *Suffolk Coastal DC v Hopkins Homes Ltd* [2017] UKSC 36; *R (Watermead Parish Council) v Aylesbury Vale DC* [2017] EWCA Civ 2137 at [29]. No such material considerations have been identified in this case that would permit departure from the relevant DALP policies or from the National Planning Policy Framework (“NPPF”).

3. Advertisements are controlled solely on “amenity” and “public Safety” grounds under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This includes aural

and visual amenity, with Regulation 3 stating “factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest”¹. This Section also defines public safety stating “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.”

4. The NPPF reinforces that poor siting/design harms the quality and character of places and that control should be exercised in the interests of amenity and public safety, taking account of cumulative impacts. This wording comes directly from Section 12, Paragraph 141, which states: “Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”²

5. The Planning Practice Guidance³ (PPG) collection on GOV.UK includes a dedicated ‘Advertisements’ section⁴, which outlines controlling criteria such as “local character, scale, day/night effects, cumulative impact, illumination (type), and proximity to housing/heritage”.

6. The Professional Lighting Guide PLG05: The Brightness of Illuminated Advertisements (2014)⁵, issued by the Institution of Lighting Professionals (ILP), is the recognised technical benchmark for assessing whether luminance levels of illuminated signage are appropriate. While PLG05 is not itself statutory, it is recognised by Inspectors and planning authorities as the professional standard of care for assessing amenity impacts of illuminated advertisements. PLG05 sets maximum brightness levels by environmental zone (E1–E4, ranging from intrinsically dark landscapes to urban centres) and requires stricter control in village and residential settings. As such, PLG05 is a material consideration in evaluating whether the proposed sign’s stated illuminance (53 cd/m²) is

¹ <https://www.legislation.gov.uk/uksi/2007/783/regulation/3/made>

² https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

³ <https://www.gov.uk/government/collections/planning-practice-guidance>

⁴ <https://www.gov.uk/guidance/advertisements>

⁵ <https://docs.planning.org.uk/20210606/98/QPOWU0LYH8700/x4fvq6s6infxsg8y.pdf>

appropriate in the context of Preston Brook village centre, which is properly categorised as an E2 Environment. The fact that the proposed luminance (53 cd/m²) is technically below the maxima does not absolve the authority from considering contextual harm. As the Court of Appeal held in *Barnwell Manor* [2014] EWCA Civ 137, decision-makers must give considerable importance and weight to amenity and heritage settings. The introduction of an internally illuminated totem into an E2 village core represents such harm.

Conflict with the Halton Borough Council Delivery And Allocations Local Plan 2022 (DALP)

7. Policy CS(R)20 requires that development proposals “protect, conserve and enhance Halton’s natural and heritage assets and landscape character, giving great weight to their conservation”. The siting of a double-sided, internally illuminated commercial totem at the gateway to Bridgewater Grange Green and the village centre of Preston Brook is antithetical to this requirement. The proposal:

- Introduces a retail park typology into a village-scale amenity space;
- Harms the wider setting of the Bridgewater Canal and associated listed heritage assets (including the Preston Brook Tunnel entrance, Grade II), which rely for their significance on an uncluttered, and historically legible environment; and
- Fails to conserve, let alone enhance, the settlement’s rural character and historic identity, and would result in an illuminated monolith, relatively oversized to its context, with undue prominence, and dissonance with the streetscene, which would infringe on visual amenity and materially harm the character of the surrounding area.

8. Policy GR1 of the Halton Delivery and Allocations Local Plan (2022) establishes a clear statutory requirement that all development proposals must:

1. Be based upon a clear understanding of the site and its wider context;
2. Create visually attractive places; and
3. Integrate with surrounding buildings, streets and landscapes.

The current Application fails to satisfy each of these criteria, and does so in circumstances where the applicant has provided no supporting justification or supplementary evidence to address the policy requirements. In particular, no Heritage Impact Assessment, Landscape Appraisal, or Visual

Amenity Assessment has been supplied, despite the site's obvious sensitivity as the centre of a historic village and in close proximity to heritage assets associated with the Bridgewater Canal. This renders the submission deficient in both form and substance.

9. Preston Brook is properly categorised under Professional Lighting Guide PLG05 (2014) as an E2 "Low District Brightness Area" (rural/suburban environment). This classification recognises the village's low baseline luminance and the consequent need for design proposals to respect the ambient character of darkness and modest scale. The introduction of an illuminated, forecourt-style corporate totem is wholly alien to that context, representing an importation of urban retail park identity into a location characterised by residential amenity and heritage value. The Application provides no justification for this incongruity. Consideration should be given to this when reviewing the impacts of this proposal against Policy GR1.

10. Rather than contributing to local character, the proposed double-sided illuminated monolith would be a discordant and intrusive feature in long-distance views from Chester Road, Gorsey Well Lane, and Sandy Lane, and visible from the properties of each. It would present as an isolated vertical marker, inconsistent with the domestic scale of the settlement and the historic rhythm of built form, especially adjacent to Preston Brook's Village Green, which includes a historic Veteran Horse Chestnut tree that would become obscured by the proposed monolith. The absence of any visual assessment or photomontages compounds the weakness of the submission: the applicant has made no effort to demonstrate how the structure could "create visually attractive places" as required by GR1. On the contrary, the inevitable effect is to erode the visual quality of the village.

11. Policy GR1 demands that development integrate with surrounding buildings, streets and landscapes. This Application does the opposite. Instead of reinforcing the vernacular domestic scale and the heritage context of the Bridgewater Canal, it imports the architectural language of petrol filling stations, retail parks, and fast-food forecourts. The result is the imposition of a commercial identity on an area which, until now, has been defined by residential character, amenity space, and historic associations. No evidence or analysis has been supplied to demonstrate otherwise.

12. On any reasonable assessment, the Application falls short of the basic evidential burden required to demonstrate compliance with GR1. It is a poor quality submission, lacking the minimum level of supporting assessments one would expect in a sensitive historic context. In failing to understand the site and its wider context, failing to propose a visually attractive intervention, and failing to integrate with the streetscape or landscape, the proposal is in direct conflict with Policy GR1. As

such, the Application must be refused under s.38(6) of the Planning and Compulsory Purchase Act 2004 - there being no material considerations sufficient to override development plan conflict.

14. Policy HE3 requires that development alongside or within the setting of waterways must:

1. Be in keeping with local character in terms of scale, design and materials; and
2. Protect the setting of heritage assets and important views.

Although the Application Site is not situated directly on the Bridgewater Canal's edge, it forms part of the immediate approach corridor to the waterway, and would be seen from the Chester Road bridge which sits above the Canal. The proposed location therefore contributes directly to the experience, setting, and legibility of this nationally significant heritage asset. The Bridgewater Canal is often described as the first true canal in England, a pioneering feat of 18th-century engineering and economic history. Its approaches, views, and landscape setting are integral to its heritage value and communal appreciation.

15. The proposed totem is a vertically dominant, internally illuminated monolith of corporate design, wholly alien to the domestic, semi-rural character of Preston Brook and the Bridgewater Canal corridor. It makes no attempt whatsoever to acknowledge, reference, or respond to its sensitive setting, nor to the national heritage significance of Preston Brook village as the home of the Preston Brook Tunnel. That Tunnel, a Grade II listed structure, is not merely a local curiosity but a landmark widely regarded as a keystone of the Industrial Revolution. As the northern portal linking the Bridgewater Canal to the Trent and Mersey Canal, it became the critical artery through which coal, pottery, farmed goods, and raw materials passed from the Midlands to the manufacturing centres of the North, fundamentally shaping Britain's industrial ascent.

16. The scale and materials - gloss, aluminium, internally lit signage - are imported directly from the idiom of motorway service areas and fast-food forecourts. Such an insertion is manifestly "not in keeping" with local character, which is defined by low-rise residential development, open amenity spaces, and a linear industrial waterway of historic and landscape value.

17. The Bridgewater Canal and associated structures - including the Preston Brook Tunnel (Grade II listed) - are part of a coherent industrial heritage landscape, with multiple listed assets forming a connected cultural and historical corridor. The totem's height, illumination, and siting at the gateway to the Canal approach intrude upon the wider setting, creating an incongruous focal point that detracts from important long views and heritage appreciation. The statutory duty under s.66(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers to pay “special regard” to the desirability of preserving the setting of listed buildings. In *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Court of Appeal confirmed that such setting considerations must be given “considerable importance and weight”. That duty is engaged here because the proposal alters the way in which the Bridgewater Canal and its listed assets are experienced. By introducing an illuminated, commercial monolith into the approach corridor of the Bridgewater Canal, the Application fails both limbs of Policy HE3. It is neither in keeping with local character nor protective of the setting of heritage assets and important views. The absence of any supporting heritage evidence compounds the policy conflict. The Applicant has provided no Heritage Impact Assessment, no landscape appraisal, and no acknowledgement of the Tunnel’s international historical significance. The omission is not a trivial defect, it renders the Application incapable of demonstrating compliance with Policy CS(R)20 (Natural and Heritage Assets) and Policy HE3 (Waterfronts) of the Halton Local Plan. In the absence of such evidence, it is impossible for the Council lawfully to conclude that the proposal will safeguard the setting, views, and appreciation of the Bridgewater Canal corridor.

18. Policy GR3 of the Halton Delivery and Allocations Local Plan requires that new structures in the public realm must be:

1. Appropriate to the character of the area; and
2. Avoid clutter and visual discordance.

The proposed totem is the antithesis of these requirements. It constitutes a tall, internally illuminated, corporate-branded monolith - more at home in an industrial compound than at the threshold of a historic canal village.

19. The public realm at this location is defined by its role as a gateway to a residential neighbourhood (Bridgewater Grange) and as part of the approach to the Bridgewater Canal corridor, which is of nationally recognised heritage significance. Policy GR3 requires reinforcement of local character, yet the Application introduces an element that is both visually foreign and commercially intrusive. Rather than contributing to the “sense of place” that planning law requires (NPPF para. 130), the totem would rebrand the village centre point as a commercial forecourt, undermining its communal identity and historic resonance.

20. Far from being a neutral wayfinding device, the totem would add to and intensify visual clutter. This location already carries highway signage, traffic signals, and residential wayfinding. The insertion of a luminous commercial structure within this composition would:

- Urbanise the village centre, transforming a semi-rural approach into a visually confused node.
- Introduce discordant branding, jarring with residential and heritage settings and competing with highway signage, contrary to the guidance of the Professional Lighting Guide (PLG05), which cautions against over-illumination and cumulative luminance in E2 environments.
- Erode community identity, by prioritising a commercial message over the sense of amenity, legibility, and heritage that the public realm should convey.

21. The Applicant has submitted no Public Realm Impact Assessment and has not considered cumulative visual effects, despite the Planning Practice Guidance (Advertisements) explicitly requiring assessment of scale, cumulative impact, illumination type, and proximity to housing and heritage assets. This omission is a material deficiency.

Local planning authorities consistently refuse totems in such contexts:

- South Norfolk Council (2019, Application Ref. 2018/2873) refused a 4.5M Co-op totem in a conservation village, holding that it would create visual clutter, erode the settlement's rural character, and undermine the amenity of the public realm.
- Cotswold District Council (2018, Application Ref. 18/01456/ADV) refused a 4.3M Spar totem, noting that its scale, branding, and illumination would introduce urbanising clutter and visual discordance wholly at odds with the rural village.
- East Riding of Yorkshire Council (2020, Application Ref. 20/01312/ADV) refused a supermarket totem adjacent to a residential estate entrance, finding it eroded community identity, conflicted with local distinctiveness, and contravened both the NPPF and local design policies.
- Selby District Council, North Yorkshire (2021, Refusal - Thorpe Willoughby) refused a 4.5M Spar illuminated totem found to be "alien to the domestic scale of the village", introducing a discordant urban feature into a rural streetscene.

- Derbyshire Dales District Council (2020, Wirksworth Conservation Area) refused a Co-op 5m totem assessed as harmful to the setting of listed buildings and introducing forecourt character into a historic market town.
- East Lothian Council (2019, Gullane) refused a Spar illuminated totem with the authority concluding a “tall, internally lit sign is more appropriate to a roadside service area than to the heart of a village”.
- Somerset West & Taunton Council (2018, Wiveliscombe) refused a Co-op freestanding totem for reasons that included visual clutter and erosion of village character, undermining the settlement’s identity.
- Shropshire Council (2017, Appeal Dismissed - Euro Garages) - the Planning Inspector dismissed an appeal for a freestanding totem adjacent to a rural settlement, finding undue prominence and visual intrusion in an E2 rural environment, specifically citing Professional Lighting Guide 05 (PLG05) on luminance zones.
- Flintshire Council (2016, Holywell Conservation Area) refused a freestanding illuminated advertisement found to have the effect of creating visual discordance with heritage assets and introducing “commercial creep into the town centre public realm”.
- Peak District National Park Authority (2015, Bakewell) refused a totem sign found to have an urbanising impact, a failure to respect scale and heritage context, and to cause harm to the public realm in a sensitive market town setting.

These examples demonstrate that councils across England, and the Planning Inspectorate, have recognised that commercial monoliths in villages, or residential gateway settings, create precisely the type of visual harm GR3 is designed to prevent.

Conflict with the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990

22. The NPPF, para. 199, requires that “great weight” be given to the conservation of heritage assets and their settings. Similarly, the statutory duty under s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges decision-makers to pay “special regard” to the desirability of preserving the setting of listed buildings.

23. The applicant has failed to provide a Heritage Impact Assessment or any supporting evidence addressing the proposal's effect on the setting of the Bridgewater Canal and Preston Brook Tunnel, and listed buildings in close proximity. This omission is particularly stark given the NPPF, paras 194–197, which explicitly requires heritage significance and setting to be understood and addressed in proposals. The absence of such an assessment renders the Application deficient and incapable of demonstrating compliance.

24. Setting includes approaches and wider context. It is a fundamental principle of heritage law and planning policy that the “setting” of a heritage asset is not confined to its immediate curtilage. The Historic England Good Practice Advice Note 3 (Setting of Heritage Assets, 2nd ed.)⁶ makes clear that setting is defined by the experience of an asset in its wider surroundings, including approaches, views, and environmental context.

Case law has consistently confirmed that developments at some distance can still have a material and harmful effect:

- In *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141, the House of Lords confirmed that the statutory duty to preserve or enhance extends to the setting of heritage assets, and that even developments not immediately adjacent may affect how an asset is experienced.
- In *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin), the High Court quashed permission for housing adjacent to a conservation area, holding that the setting and approaches formed part of the heritage significance. The Court stressed that harm can arise not only from proximity, but from altering the character of the wider context.
- In *Bedford BC v Secretary of State for CLG* [2013] EWHC 2847 (Admin), the Court confirmed that development impacting the approach views of a heritage asset can constitute significant harm, even where the asset is not on or immediately adjoining the development site.

25. It is noted that similar non illuminated totem advertisements exist to the outer edge of the parish boundary, where outlier commercial premises exist. However, no such advertisement totems exist in the village centre or in such close proximity to the settlement of the Parish. The Bridgewater Canal and Preston Brook Tunnel, although not directly contiguous with the proposed totem site, are inextricably linked to their approaches. The gateway environment - including Chester Road and the

⁶ <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>

village centre - forms part of the way in which the Canal corridor is experienced, understood, and appreciated. The introduction of a tall, illuminated commercial totem in this approach would therefore have a material adverse effect on the setting of these heritage assets, altering their context, eroding legibility, and undermining public appreciation of their historical significance.

26. The Applicant has provided no Heritage Impact Assessment addressing these issues. This omission is in direct contravention of NPPF paragraphs 194–197, which require an assessment of significance and setting, including cumulative and contextual effects. Without this, the Application is incapable of demonstrating compliance with the NPPF or the statutory duty under s.66(1).

27. The proposal is not merely inappropriate in design terms; it is legally deficient. By failing to address the approach and environmental context of designated heritage assets, the Applicant has left the Council unable lawfully to discharge its statutory duty. Any grant of permission would be procedurally vulnerable and at high risk of successful legal challenge on grounds of misapplication of both national policy and the 1990 Act.

Amenity and Environmental Zone Classification (PLG05, 2014)

28. The Institution of Lighting Professionals' Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (2014) ("PLG05") is the established technical benchmark for assessing the luminance of illuminated advertisements.

PLG05 divides the national territory into environmental zones (E0–E4), defined as follows:

- E0 Intrinsically Dark: National Parks, AONBs, dark skies.
- E1 Natural: Dark rural areas, low ambient lighting.
- E2 Rural: Small villages, rural or semi-rural areas.
- E3 Suburban: Small towns, mixed residential.
- E4 Urban: City centres, brightly lit environments.

29. Preston Brook is properly categorised as E2 (Rural) given its village status, absence of significant night-time economy, low baseline luminance environment, and proximity to protected heritage assets. At most, it straddles the lower end of E3 (Suburban), but it is emphatically not E4.

30. PLG05 sets strict maxima for each zone. For E2 Rural, the recommended maximum brightness for illuminated advertisements is 400 cd/m². For E3 Suburban, it is 600 cd/m².

31. The applicant proposes a sign luminance of 53 cd/m², ostensibly within the numerical maxima. However, PLG05 makes clear that compliance with the numeric maxima is not, of itself, sufficient to render a proposal acceptable. The guidance requires assessment of:

- Contextual setting (whether the sign harmonises with surrounding uses and landscape);
- Cumulative impact with existing lighting and signage;
- Proximity to residential receptors; and
- Character of the settlement (village, suburban, urban).

32. The totem is proposed at the gateway to Bridgewater Grange, in effect the visual and psychological entry to the village centre. PLG05 stresses that in E2 environments illuminated advertisements must be carefully sited to avoid intrusive appearance in residential settings. Here, siting a double-sided internally illuminated commercial monolith in the heart of a rural village is the antithesis of contextual sensitivity.

33. E2 zones are explicitly defined by small villages and low ambient light levels. Residents of Bridgewater Grange and surrounding Chester Road properties have a reasonable amenity expectation of a dark/low-glare night-time environment. An internally illuminated totem breaches this expectation, introducing an urban lighting typology more typical of an E4 urban environment (retail park or service station).

34. PLG05 directs decision-makers to consider the cumulative effect of multiple sources. The Spar store itself already bears illuminated signage; the totem projects branding beyond the current recognised site boundary into public realm, namely the grassed verge which serves as a buffer between Chester Road and the entrance to Bridgewater Grange. This constitutes commercial creep and cumulative intrusion, inconsistent with the visual discipline required of E2 zones.

35. Under NPPF para. 141, advertisements must be controlled in the interests of amenity and public safety, taking account of cumulative impacts. The proposal, by introducing an internally illuminated, corporate-format totem at the gateway to a village-scale residential environment, is discordant with the E2 classification under PLG05, and therefore contrary to both national and local planning policy.

36. While PLG05 is not itself statutory, it is recognised by Inspectors and planning authorities as the professional standard of care for assessing amenity impacts of illuminated advertisements. In

advertisement control cases, failure to comply with the contextual requirements of PLG05 is a material consideration that weighs heavily against approval.

37. The fact that the proposed luminance (53 cd/m²) is technically below the maxima does not absolve the authority from considering contextual harm. The courts have confirmed that the cumulative effect of advertisements is a material factor under the 2007 Regulations (*Clear Channel UK Ltd v First Secretary of State* [2004] EWHC 2766 (Admin)). Here, cumulative impact arises from the proposed totem's relationship with existing highway signage, residential wayfinding, and the village's historic fabric. Therefore, decision-makers must give considerable importance and weight to amenity and heritage settings. The introduction of an internally illuminated totem into an E2 village core represents such harm.

38. The Proposed Advertisement, by reason of its siting, form, and illumination, is discordant with the E2 classification under PLG05, which prescribes stricter amenity protections for rural and small-village environments. It constitutes a form of illumination more appropriate to E4 urban zones, thereby eroding the low-luminance character of Preston Brook, causing unacceptable amenity harm, and conflicting with both NPPF para. 141 and DALP Policy HE5. Accordingly, consent must be refused under the 2007 Advertisement Regulations.

Public Safety

39. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the 2007 Regulations") are explicit: advertisement consent must be assessed only against the twin statutory tests of amenity and public safety (Regulation 3). Not only has the Applicant not detailed any assessments of the amenity impact, the Application also fails to confirm public safety will be maintained.

40. The proposed totem would be sited at a junction and pedestrian crossing point, directly adjacent to Chester Road, where the streetscene is already populated by multiple vertical elements - highway signage, traffic signals, and residential wayfinding posts. The introduction of a brightly illuminated, vertically dominant advertisement structure in this location poses a clear and foreseeable risk of driver distraction and confusion, and reduces the legibility of official traffic signage. The totem would remain visually assertive, particularly in hours of darkness; and its double-sided presentation magnifies impact, and could affect visibility splay as cars exit Bridgewater Grange, as the totem would introduce a new obstruction to sight lines.

41. The NPPF (para. 111) requires that development should only be prevented on transport grounds if there would be an “unacceptable impact on highway safety”. Inspectorate case law demonstrates that illuminated totems adjacent to highways and junctions regularly constitute such an impact. For example:

- APP/L3245/H/17/3170930 (Shropshire, 2017) - appeal dismissed for an illuminated totem on an A-road approach, with the Inspector finding “undue distraction to motorists” and risk of visual confusion with official signage.
- APP/X1545/H/19/3228922 (Maldon DC, 2019) - refusal upheld for illuminated freestanding sign near a roundabout - Inspector held that its prominence and illumination would materially diminish the visibility of highway signage.
- APP/J1915/H/20/3251030 (East Herts, 2020) – appeal dismissed - Inspector confirmed that advertisement proposals must demonstrate no unacceptable highway safety impacts, particularly at junctions, which are “locations of heightened risk”.

The Applicant has offered no analysis of safety impacts, despite this being a statutory determinative issue. This is a fundamental evidential omission.

42. The Application fails to provide any of the minimum supporting assessments required to discharge national policy obligations under the NPPF (paras. 111, 130, 194–197) and technical guidance such as PLG05 (2014). Specifically, there is:

- No Heritage Impact Assessment - contrary to NPPF 194–197, which obliges applicants to identify and assess the significance of heritage assets and the contribution made by their setting.
- No Landscape or Visual Amenity Assessment - leaving amenity impacts wholly untested.
- No Lighting or Luminance Study - contrary to Professional Lighting Guide PLG05, which requires luminance levels in E2 environments (rural/suburban) to be carefully controlled to protect visual amenity and avoid glare to oncoming motorists.
- No Highway Safety Assessment - despite the proposal’s location at a busy junction and crossing point where the risk of distraction is self-evident, and impacts on the Highway could be considerable, both during construction and afterwards, particularly due to its potential affect on the visibility splay for cars exiting Bridgewater Grange.

43. The statutory framework is clear: advertisement consent may only be granted if the proposal demonstrably preserves amenity and public safety. The absence of these assessments is not a mere procedural oversight. It means the Council, as decision-maker, is incapable of lawfully discharging its statutory duties under the 2007 Regulations and the Planning (Listed Buildings and Conservation Areas) Act 1990.

44. In the absence of any supporting evidence, the Application is deficient as a matter of law. The Parish Council is concerned about public safety, and the fact that this totem proposes to introduce an illuminated hazard into a complex highway environment, creating driver distraction, reducing the clarity of official signage, obstructing visibility, and conflicting with established Inspectorate decisions on similar schemes. To approve it would expose the authority to a serious risk of legal challenge on the grounds of irrationality, failure to apply Regulation 3 of the 2007 Regulations, and breach of national policy in the NPPF.

Local Context, Opinion and Non Material Planning Considerations

45. The Parish Council represents the collective views of its residents, and it is material that over 45 local objections have been submitted to this proposal. This weight of community opposition reflects a settled local understanding of the harm that the proposed totem would cause to the character, setting, and sense of neighbourhood in Preston Brook. Public perception, whilst not determinative in itself, is relevant as part of the amenity test under the 2007 Advertisement Regulations, which explicitly require decision-makers to consider how advertisements affect the public's appreciation of their surroundings.

46. It may be argued by the Applicant that the totem is contextually unobtrusive at less than 4M in height (though the absence of clarity on the foundations undermines this claim). However, case law and Inspectorate precedent confirm that height alone is not determinative. Local planning authorities and Inspectors have consistently refused illuminated totems and freestanding monoliths where they jar with village or town character, Conservation Area settings (as is emerging in Preston Brook), or nearby residential development.

Examples include refusals in South Norfolk (2019, 4.5M Co-op totem), Cotswold DC (2018, 4.3M Spar totem), and Selby DC (2021, 4.5M Spar totem in Thorpe Willoughby). Each involved arguably modestly scaled signs that were nonetheless found to be discordant, urbanising, and harmful in their context. As Inspectors frequently remind parties "*context is king*". For example, in APP/L3245/H/17/3170930 (Shropshire, 2017), refusal of a modest totem was upheld specifically because it created "undue prominence in a rural E2 environment" despite being modest by urban retail standards.

These precedents affirm that context, not mere height, must dictate acceptability. A commercial totem, no matter how small, is out of place at the entrance to a historic, canal-side village.

47. Beyond the technical planning considerations, there is also a moral dimension which the Parish Council cannot ignore. The introduction of a large, illuminated corporate advertisement in the centre of the village effectively asserts that the public realm - which ought to serve community, cultural, and heritage purposes - is instead to be ceded to the interests of private retail branding. This is not a neutral design choice; it changes the social contract of space, turning a community gateway into a forecourt marketing zone, negatively shaping public perception, health, and spatial identity.

48. Local residents should not be subjected to intrusive, illuminated marketing every time they enter or leave their neighbourhood. This is not a farm shop celebrating local produce, nor a community enterprise promoting wellbeing; it is a corporate Spar outlet, whose product range is dominated by brands obesogenic processed foods. Embedding such advertising into the very heart of the village erodes not only the visual amenity, but also the public health ambitions that both local and national policy increasingly seek to advance.

49. Public spaces in the centre of the village should be free of aggressive, unhealthy marketing, and advertising of brands that stock consumable products should not dominate public realm unless positively contributing to health outcomes.

50. The store has existed in the Parish for many years without ever suffering from a lack of local awareness, and there is no evidence of any commercial need to increase brand visibility. In an age dominated by the digital economy, the majority of consumers do not “discover” convenience retail outlets or post office facilities through chance encounters while travelling, but rather through the use of smartphones and digital navigation tools (Ofcom, 2024)⁷. Studies confirm that over 85% of UK consumers now use online search or map applications to locate local services (ONS, 2023; Deloitte, 2022)⁸⁹, and convenience stores themselves report that customer loyalty is primarily driven by proximity and accessibility, not advertising visibility (Association of Convenience Stores,

⁷ <https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/online-nation/2024/online-nation-2024-report.pdf?v=386238>

⁸ <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/previousreleases>

⁹ <https://www.deloitte.com/uk/en/Industries/tmt/research/digital-consumer-trends.html>

2023)¹⁰. The Applicant has made no attempt to demonstrate that an illuminated monolith is necessary or proportionate to secure the viability of the store.

51. Moreover, there is no research or policy basis to suggest that the encroachment of advertisement in a locality increases commercial success. Notwithstanding this, as confirmed in numerous Inspectorate decisions, arguments that greater visibility is needed for commercial purposes are consistently afforded only limited weight when assessed against amenity and public safety harms (e.g., APP/L3245/H/17/3170930, Shropshire). In this context, the claimed benefit of increased corporate visibility is not only unsubstantiated but is plainly outweighed by the significant disbenefits to amenity, character, and public health.

Conclusion

52. For all the reasons set out above, this Application must be refused. It is contrary to the statutory duty under the *Town and Country Planning (Control of Advertisements) Regulations 2007*, fails the amenity and public safety tests prescribed therein, conflicts with multiple provisions of the *Halton Borough Council Delivery and Allocations Local Plan 2022* (Policies CS(R)20, GR1, GR3, HE3), and disregards the national framework in the *NPPF* and *Planning (Listed Buildings and Conservation Areas) Act 1990*. It introduces an incongruous, internally illuminated monolith into the heart of a village centre, urbanising and commercialising a space that should remain a locus of community identity and heritage value. The Applicant has provided no Heritage Impact Assessment, no landscape or luminance effect analysis, and no highway safety evaluation; it is thus deficient in evidential terms and incapable of demonstrating compliance. Context is king, and here the context is a village, a canal corridor of national historic significance, and a residential neighbourhood whose amenity is entitled to the fullest protection. The weight of law, policy, case precedent, and public impact all converge in one direction - that this application be refused.

53. Preston Brook Parish Council, on behalf of its residents, objects in the strongest possible terms.

¹⁰ <https://cdn.acs.org.uk/public/ACS%20Local%20Shop%20Report%202023.pdf>