

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY 16TH JANUARY 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY LYONS DEN LTD AGAINST THE REFUSAL OF CONSENT FOR THE DISPLAY OF ADVERTISEMENTS AT LYONS DEN FITNESS, BOOT END, BAGILLT CH6 6HD**

1.00 APPLICATION NUMBER

1.01 **049874**

2.00 APPLICANT

2.01 Lyons Den Ltd

3.00 SITE

3.01 Lyons Den Fitness, Boot End , Bagillt. Holywell

4.00 APPLICATION VALID DATE

4.01 8 June 2012

5.00 PURPOSE OF REPORT

5.01 To inform Members of the advertisement appeal decision, against the refusal under delegated powers of advertisement consent for the placement of 3 A boards at Lyons Den Fitness, Bagillt, Holywell.

6.00 REPORT

6.01 The Inspector considered the main issues, to be the effect of the signs on visual amenity, and whether the signs would prejudice highway safety.

6.02 The Inspector noted the size and construction of the A board signs and the messages they display in association with the fitness centre

and uses operating with in the large modern fitness building. He noted that the signs are placed on the A5026 footway owned by the Council and also detailed the site context being a mix of residential and commercial enterprises.

- 6.03 The Inspector noted that the A boards were placed out on the pavement in the morning and are taken in at night and in this regard the adverts in connection with the fitness centre spill out on to the public pavement and blurs the clear distinction between public space and private commercial activity. The highway signage and furniture are quite separate features of the area and have a distinct function. He noted that whilst the signs were small in scale they in combination add visual clutter to the street scene and thus harm the visual amenity of the area. As such the adverts extend the commercial character on to the public realm, and the Inspector concluded the signs would harm the visual amenity of the area.
- 6.04 Regarding highway safety, the Inspector concluded that as the signs are on the pavement the Council could legitimately have the signs removed if they are deemed to create an obstruction. In the Inspectors view there is sufficient space to walk around the signs without causing problems to pedestrians and should a partially sighted or blind person have to walk this pavement then they would likely to be aware of the signage and existing street furniture, and would be likely to be taking great care in this location, therefore he did not consider that the signs would prejudice highway safety. He also noted the appellants concern to the present difficult economic climate and the effect the down turn is having upon the business. Notwithstanding the above he found the signs to be unacceptable in terms of visual amenity

7.00 CONCLUSION

- 7.01 The Inspector, whilst not considering the signs to constitute detriment to highway safety, did consider that the signs harmed the visual amenity of the area and therefore for the reason outlined above DISMISSED the appeal.

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