

Planning Policy  
Cheshire West and Chester Council  
4 Civic Way  
Ellesmere Port CH65 0BE

17 December 2018

Dear Sir/Madam,

**Cheshire West and Chester Council Local Plan (Part 2) - Land Allocations and Detailed Policies – Main Modifications - December 2018**  
**Representor ID: 1016519 British Sign and Graphics Association**

These representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in response to the proposed Modifications to Policy DM17 and supporting text in the above draft Local Plan document.

First, may we express our thanks to the Inspector for devoting so much effort to what many consider to be one of the “Cinderella” aspects of planning control. We consider that the Modifications proposed mostly meet our concerns.

However, we remain considerably concerned with the restrictions proposed on illumination. Whilst we are content with the policy and text proposals with regard to acceptable methods of illumination, we remain convinced that the proposed restrictions on hours of permitted illumination are impractical (and possibly beyond the powers of the Regulations). In MM51 Policy DM17 and paragraph 11.70, the proposal is that illumination should be restricted to premises which “is expected to operate outside of daylight hours throughout the year”; and “routinely carry out a significant proportion of their business at night”. This immediately imposes two additional requirements on applicants: 1) to provide (and prove) their hours of trading; and 2) to provide/justify the “significant proportion” of their night trade. We believe that both of these additional requirements essentially relate to “need”, which, as we have previously pointed out, is not a criterion permitted by the Regulations. Further, what about businesses which change their hours of business (shorter or longer hours); and what about businesses which change operators and hours but not signs (consents always relate to the site and not the operator)? We cannot see how this proposed restriction can possibly be reasonable or enforceable.

We therefore suggest that a reasonable requirement would be for the policy and supporting text to require that illumination be normally restricted to hours of opening only (as a generality, e.g. conditions such as “the sign may not be illuminated outside the hours the business is open for retail trade to the public” are commonly applied). This is a proper amenity consideration since it considers the area’s appearance outside

normal business hours; and fully allows for businesses that trade in dark or near dark (winter mornings and afternoons). In respect of the latter, it is not necessary to consider the “proportion” of trade in darkness – economic necessity requires that businesses only open for the hours which are profitable. And there are many further advantages: 1) this will not require applicants to provide information which the Council will not be easily able to prove or disprove; 2) it is readily enforceable (a shop-type business can easily be seen to be open or closed, both by the public and planning enforcers); 3) it will matter not whether the hours of trade or the operator change; and 4) it will allow for advertisements which do not operate properly when not illuminated (e.g. dark lettering on a dark background, where the lettering alone is designed to illuminate to provide the contrast).

We suggest then that in MM51, in Policy DM17, “**and the use of the premises is such that it is expected to operate outside of daylight hours throughout the year**” be deleted. In the proposed amendment to paragraph 11.70 of the text, we suggest that “**should be confined to premises which routinely carry out a significant proportion of their business at night, and**” be deleted. No other alterations would be necessary.

We hope that these very practical changes will be considered acceptable.

Yours faithfully,

**Chris Thomas**