

Appeal Decision

Site visit made on 5 December 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/H2733/Z/16/3156453

Lidl, Stakesby Road, Whitby YO21 1HS

- 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 Lidl UK GmbH against the decision of Scarborough Borough Council.
 - The application Ref 16/00737/AA, dated 5 April 2016, was refused by notice dated 22 July 2016.
 - The advertisement proposed is 1no. 6m internally-illuminated free-standing pylon sign to replace existing 2m blockwork sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the following additional condition:
 - 1) The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates and for 30 minutes immediately prior to opening and 30 minutes immediately after closing time each day.

Main Issue

2. The Regulations, the National Planning Policy Framework (the Framework) and advice within Planning Practice Guidance require that decisions on advertisements be made only in the interest of amenity and public safety. The Council raised concerns only in terms of amenity. Accordingly, the main issue in this appeal is therefore the effect of the advertisement on the visual amenity of the surrounding area.

Reasons

3. The appeal site comprises of a warehouse style, single storey, large Lidl store with car parking located to the front and side elevations of the store. With the exception of the appeal premises and the SPAR store and petrol filling station located to the north west of the site, the surrounding area is predominately residential in character. Nevertheless, I consider that the store forms a separate unit, with a distinctly commercial character.
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4. The proposal includes the removal of the existing freestanding blockwork sign which is approximately 2 metres high and has external illumination and the installation of an internally illuminated pylon sign which would be approximately 6 metres high. The Lidl logo at the top of the sign would be illuminated and the four separate information panels located beneath the logo would be back lit.
5. The proposal would be sited in a similar position to the current blockwork sign, within the store car park. I accept that the proposal would be positioned in a relatively prominent position in order to provide a clear indication of the location of the store and would represent an increase in height of 4 metres in comparison to the existing blockwork sign. As such, the proposal would be clearly visible to both pedestrians and vehicle users on the approaches to the site along Stakesby Road and Castle Road.
6. However, I do not consider that the proposal would be an unexpected feature in the setting of a commercial store. Furthermore, it would also be seen in conjunction with a variety of existing street clutter in the form of street lighting columns, traffic signs and a small number of mature trees. The store car park also houses lighting columns.
7. Furthermore, a similar pylon style sign is located a short distance away, relating to the SPAR store and petrol filling station on the opposite side of Stakesby Road. Whilst I acknowledge that this signage is slightly smaller in overall scale and is seen against the backdrop of the petrol station canopy, it is still visible from views along both Castle Road and Stakesby Road. As such, I do not find that the proposal would represent an unduly dominant or incongruous feature within the locality.
8. I note that the Council, in their submitted evidence, raised concern in relation to light pollution. The illumination of the proposal would result in it retaining a degree of prominence after dark, particularly during the winter months. However, that illumination would not be an alien feature in an area that is currently well lit by street lighting and the store's car park lighting. Furthermore, the illuminated parts of the signage are proposed only to be illuminated whilst the store is open, which could be secured by a planning condition.
9. Accordingly, I find that these factors would minimise the attention that the illumination would bring to the signage after dark. In addition, the Local Highway Authority has confirmed that the level of illumination proposed is acceptable. As such, whilst I have taken the proximity of the nearest residential dwellings into consideration, I do not consider any substantive evidence has been provided to justify the Council's concern in relation to light pollution.
10. I accept that the surrounding area is predominately residential in character. However, I consider that the sign would be subsumed comfortably within the commercial context of the site without consequent harm to the visual amenity of the surrounding residential locality. I therefore do not consider that the proposal would result in a detrimental effect on the either the character or outlook of the residential area in terms of visual amenity.
11. In reaching my decision I have taken account of the Framework and Policies E12 and H10 of the Scarborough Borough Local Plan 1999, which amongst other things seek to protect visual amenity and so are material in this case.

Given that I have concluded that the proposal would not cause harm to visual amenity, the proposal does not conflict with these policies or the Framework.

Conclusion

12. For the reasons given above, I conclude that the proposed advertisement would not be detrimental to visual amenity. I shall therefore allow the appeal, subject to the five standard conditions set out in the Regulations. Furthermore, in order to minimise the general increase in illumination in the vicinity, in the interests of the character and appearance of the area, a condition to prevent illumination outside a time period starting 30 minutes before opening time to 30 minutes after closing time each day is necessary.

Helen Cassini

INSPECTOR