



Appeal Decision

Site visit made on 18 July 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 27th July 2017

Appeal Ref: APP/D3125/Z/17/3174506

Sainsbury's Supermarket, Witan Way, Witney OX28 4FF

- 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 Sainsburys Supermarkets Ltd against the decision of West Oxfordshire District Council.
 - The application Ref16/04154/ADV, dated 13 December 2016, was granted consent in part and refused in part by notice dated 22 March 2017.
 - The advertisement proposed is 4 x vinyl panels that will be placed on four existing wayfinder signs (Signs A, B, C and D on the submitted drawing pack); 1 x fascia sign (Sign E) and 4 x signage panels (Signs F, G, H and I).
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Decision

1. The appeal is allowed and express consent is granted for the display of a wayfinder sign (Sign D) and a fascia sign (Sign E) 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 Regulations and the following additional condition:
 - 1) The intensity of the illumination of the fascia sign (Sign E) permitted by this consent shall be no greater than 350 candela per sq.m.

Procedural matter

2. The appeal relates to the part refusal of signs D and E.

Main Issue

3. The effect of the proposed advertisements on amenity.

Reasons

4. The advertisements are already in place. Dealing firstly with sign E, it is located below an existing larger sign denoting the name of the supermarket. It is on a two-storey part of a two and single storey elevation which has a long frontage to Witan Way, set back from a footway by a planted verge. The elevation is otherwise devoid of advertising content.
5. This part of the supermarket lies on the edge of the Witney and Gogges Conservation Area. The Council's Conservation Area Character Appraisal identifies the site as lying in the Church Green character area, identifying St Mary's Church and the streets to the north of the supermarket as being of architectural and historical interest. The Leys recreation fields to the west of

- the supermarket are also denoted as providing significant green space with important trees.
6. Saved Policies BE2, BE5 and BE15 of the West Oxfordshire Local Plan 2011 respectively deal with general development standards, conservation areas and advertisements. These are material considerations which I have taken into account in my decision, along with the policies of the emerging local plan.
 7. The supermarket building blocks views into the parts of the conservation area of note. The elevation facing Witan Way has a more significant relationship with the commercial estate on the opposite side of Witan Way, where buildings are of a more functional nature and where there is a variety of advertisements. In such a context, I consider that the additional sign does not look out of place. The Council alleges that it results in clutter, but I consider that two fairly restrained advertisements in an otherwise sign-free elevation of about 75m length does not constitute clutter.
 8. The sign is lower and smaller than the "Sainsbury's" sign above it, and it clearly appears as a subsidiary element. I disagree that it would be confusing; any passer-by would readily appreciate that it relates to a secondary occupier of the supermarket building. Nor do I consider that it appears as an afterthought. It is separated from the larger sign by a decorative brick banding, and I consider that it has a satisfactory relationship with the existing signage, the building and its context. I therefore conclude that this sign does not harm public amenity.
 9. Turning to sign D, this is located at the northern pedestrian entrance to the supermarket site on Farm Mill Lane. This is in a more central part of the conservation area, and the road has a pronounced residential context, with a strong sense of enclosure resulting from roadside walls and dwellings located on the road frontage. The entrance to the supermarket car park is formed by a stone-built porch supported by four pillars, much of which has been engulfed by the foliage of adjacent planting. It is contiguous with the wall which runs along the southern part of the road which is noted as being significant in the Council's conservation area appraisal.
 10. The sign is located on the face of an inside pillar, facing but furthest from Farm Mill Lane. It is only visible from a narrow vista on Farm Mill Lane and because of the enclosure of the porch and planting, it is fairly dark and accordingly its visual impact is muted. Notwithstanding the residential character of Farm Mill Lane, the sign is located within the supermarket grounds, and the car park is an obvious background to the sign. I consider that in such surroundings, the sign is appropriate and is not unduly conspicuous or out of place.
 11. The Council suggests the existing advertisement is larger than the previous one. The appellants have provided a photograph in the application drawing showing the previous sign on the pillar. It appears to me to be of the same or very similar size and the only material difference is that the lower part of the previous sign had an orange panel in Sainsbury's corporate colour, whereas the existing sign has the lower panel occupied by the words "Lloyds Pharmacy" and "Timpsons". I consider that these small changes make an immaterial difference to the effect on the character and appearance of the area, and that the advertisement does not cause material harm to amenity.

Conditions

12. The Council has suggested that in addition to the standard conditions, a condition should be applied to sign E to require that it should only be illuminated when the shop is open. Bearing in mind that the supermarket is open to 11pm on weekdays, such a condition would have a very limited benefit. The submitted plans show that only the lettering is to be illuminated, to a maximum of 350 candela /sq.m., which I consider is an appropriate, not unduly bright level. I shall impose a condition to require compliance with this specification.
13. The Council also seeks a smaller sized sign for Sign D. Having regard to my findings above, I consider this to be unnecessary.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR