
Appeal Decision

Site visit made on 20 November 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/G0908/Z/17/3181707

WCF Country Centre, Station Road, Cockermouth CA13 9PX

- 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 Allerdale Borough Council.
 - The application Ref 2/2017/0229, dated 5 May 2017, was refused by notice dated 18 July 2017.
 - The advertisement proposed is 1 no. 6 metre high pylon sign.
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Decision

1. The appeal is allowed and express consent is granted for 1 no. 6 metre high pylon sign, as applied for. The consent is for five years from the date of this decision as set out in the Regulations and the following additional conditions apply:
 - 1) The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.
 - 2) The means of illumination of the advertisement hereby granted advertisement consent shall be by fixed and constant lights and not by any means of illumination which is or appears to be intermittent, moving or flashing.
 - 3) The maximum illumination level of the totem signage shall not exceed 580cd.

Procedural matters

2. Whilst both Lidl UK GmbH and WCF Pet and Equestrian are included on the application form, only Lidl UK GmbH is on the appeal form. For the purposes of this appeal I use the name given on the appeal form within my banner heading above and therefore refer to Lidl UK GmbH as the appellant.
3. In accordance with the National Planning Policy Framework (the Framework) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issue

4. No objections have been raised in relation to public safety in this appeal and therefore the main issue is the effect of the advertisement on amenity.

Reasons

5. The proposed single pylon sign would measure 6m in height, 2.10m in width and 0.25m in depth. The structure would be located on land which is currently being redeveloped for the replacement of an existing pet and equestrian store and a Lidl foodstore. At the time of my site visit I saw that, except for the existing WCF Pet and Equestrian store, demolition of former structures within the site relating to previous commercial occupiers appeared to be near completion.
6. The evidence submitted shows that there was a petrol filling station previously on part of the appeal site which included a single pylon sign 7.5m high adjacent to Station Road. Whilst this is no longer in place it nevertheless is a material consideration that carries some weight in this case.
7. The appeal site's northern boundary lies adjacent to the Cockermouth Conservation Area, but this is for a relatively short stretch. I saw for myself when visiting the area that the appeal site and surrounding area is of a predominantly commercial character and includes a range of existing modern and traditional buildings. There are also prominent mature trees lining both sides of Station Road, stone walls and a war memorial to the west.
8. Whilst the new buildings within the site are not yet constructed, their scale and prominence would be clearly visible within the street scene. The advertisement would be set back from the highway within the site and would be viewed within the context of the new stores, the six illuminated signs that already have advertisement consent (Council ref: 2/2017/0274) and the predominantly commercial nature of the surrounding area. Furthermore the level of luminance could be conditioned to ensure it met the required standards and the sign would only be illuminated during store opening times.
9. The sign would also be viewed within the context of the large Sainsbury's pylon advertisement located directly opposite the appeal site. Whilst I recognise that this is partly screened by existing mature trees which restrict views when travelling along Station Road from east to west, it nevertheless is a visually dominant feature within the street scene when viewed from the west.
10. I note that mature trees within the appeal site are to be retained and new additional planting is proposed. I consider that this would, to some extent, obscure some views of the sign when approaching the appeal site along Station Road, particularly as the sign would be set back.
11. Taking account of the above factors, I do not consider that the advertisement would be unduly prominent or so dominant that it would significantly detract from the existing predominantly commercial environment. Accordingly the proposal would not result in material harm to the character and appearance of the surrounding area or the setting of the conservation area. Consequently I conclude that the proposal would not be materially detrimental to amenity.
12. The Council refers to the Allerdale Local Plan (Part 1) Strategic and Development Policies (July 2014) Policy S2 which includes seeking

development that protects, conserves and wherever possible enhances landscape character and local distinctiveness; Policy S27 which seeks to protect and enhance heritage assets; Policy S32 which seeks to safeguard amenity; and Policy DM11 which includes seeking well designed and appropriately located advertisements.

13. As the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, these development plan policies cannot alone be decisive. However I have taken them into account as a material consideration. Furthermore, I have had regard to the Framework, which seeks to prevent the negative impact of poor advertisements. Given I have concluded that the advertisement would not materially harm amenity, the proposal accords with these policies.
14. In addition, whilst the Council refers to examples of other advertisement refusals within or adjacent to a conservation area, I note that as these are in other local authority areas they are not directly comparable. In any case my decision must be made only in the interests of the amenity and public safety relating to the specific proposal.

Conditions

15. In addition to the five standard conditions, the Council has suggested some additional ones. In the interests of amenity I attach conditions requiring that the illumination is by fixed lights to a maximum illumination level and is restricted to the opening hours of the premises to which it applies.

Conclusion

16. For the reasons given above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR