



Appeal Decisions

Site visit made on 5 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal A Ref: APP/W2465/W/19/3235794

Wm Morrison Supermarkets PLC, Almond Road, Leicester LE2 7LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wm Morrison Supermarkets Plc against the decision of Leicester City Council.
 - The application Ref 20190573, dated 15 March 2019, was refused by notice dated 28 June 2019.
 - The development proposed is described as Autoglass pods – windscreen repair and/or replacement and storage.
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Appeal B Ref: APP/W2465/Z/19/3235793

Wm Morrisons Supermarkets PLC, Almond Road, Leicester LE2 7LT

- 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 Wm Morrison Supermarkets Plc against the decision of Leicester City Council.
 - The application Ref 20190574, dated 15 March 2019, was refused by notice dated 28 June 2019.
 - The advertisements proposed are described as eight vinyl signs to two external pods in carpark (Class A1).
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on this site. I have considered each proposal on its own individual merits. However, the pods and the advertisements applied to their exterior elevations are inextricably linked in each case and therefore to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations).

4. The appeal forms give the location of the site as being '9 Counting House Road'. However, for the purposes of my decisions, I have taken the address from the planning application forms and the Council's decision notices which is sufficiently accurate, particularly when read alongside the submitted drawings.
5. The planning application forms covered both proposals and the main description related to **Appeal A**. I have therefore taken the description of the proposal for **Appeal B** from the Council's decision notice.
6. I noted on my site visit that the development and advertisements that are subject of the appeals are already in situ. I have therefore considered the appeals on the basis that retrospective planning permission and advertisement consent is being sought.
7. Following the submission of the appeals, the appellant has subsequently provided an elevation drawing of the store building, drawing ref 002 Rev C. The Council has confirmed that this drawing was available to them at the time of their decision and I have therefore taken the drawing into account as part of my considerations.
8. In respect of **Appeal B**, the Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's decision refers to policy CS03 of the Leicester City Council Core Strategy (2014) (the CS). Whilst I have taken this policy into account as a material consideration, the policy has not, on its own, been decisive.

Main Issues

9. The main issue for **Appeal A** is the effect of the proposal on the character and appearance of the area.
10. The main issue for **Appeal B** is the effect of the proposal on the amenity of the area.

Reasons

Appeal A:

11. The area is characterised by its mainly commercial context. Landscape planting exists to the boundary of the appeal site with Counting House Road, although the car park associated with the supermarket still retains a relatively open vista between this road and the supermarket building. From within the car park, buildings and soft landscaping on the opposite side of Counting House Road are visible and form a backdrop to the appeal site.
12. Existing features within the car park include bollards, lampposts, low level defensive planting, small trees and trolley collection points. These features are relatively inconspicuous and are synonymous with the primary use of the site. In contrast, the prefabricated buildings are a distinctly separate entity from the supermarket. Their combined width, height, bulk, colour and materials makes them prominent in views on the approach to the supermarket entrance from Counting House Road. The position of the development close to the boundary of the site and its utilitarian design appears incongruous within the streetscene and the boundary planting does not provide effective screening.

13. To conclude, and for the reasons given, the pods have a harmful impact on the character and appearance of the area. Consequently, in that regard, the development is contrary to Policy CS03 (Designing Quality Places) of the CS which amongst other things requires new development to contribute positively to an area's character and appearance by way of its scale, height, layout, massing and materials, also seeking to create high quality public spaces with full consideration given to the relationship between buildings and the spaces between them.
14. The development also conflicts with Paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which amongst other things state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and layout and that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Appeal B:

15. The elevations of the pods are dominated by the principally white, red and yellow colour scheme, variety of text and large images which comprise the advertisements. The number of various elements to the advertisements and the large area covered on the buildings makes them unduly prominent within the supermarket grounds and the bright colour scheme incorporated increases the prominence of the two pods particularly on Counting House Road. The fact that the advertisements are incorporated within the elevations of the buildings does not reduce their impact and they have a dominating impact on the visual amenity of the area.
16. My attention has been drawn to the signage associated with surrounding uses and its relative scale, position, colour schemes, imagery and provision of illumination. From the information before me and what I saw on site, I am not persuaded that the surrounding advertisements are comparable to the advertisements before me factoring in their design relative to the uses they serve and their position within the public realm.
17. To conclude the advertisements due to their size, colour and prominent position are obtrusive within the streetscene, resulting in material harm to the visual amenity of the area. In reaching this conclusion, I have taken into account Policy CS03 of the Leicester City Local Development Framework Core Strategy which amongst other things seeks good quality design which contributes positively to an area's character and appearance. This policy therefore seeks to protect amenity and is therefore material in this case. For the same reasons, the advertisements are contrary to Paragraph 132 of the National Planning Policy Framework (2019) which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

18. The Council's delegated report references the Counting House Pub. This is a Grade II listed Victorian building located close to the northern boundary of the supermarket car park within which the appeal site is situated. Whilst visible from the site of the appeals, the listed building is sited some distance away. The Council has not identified any harm to the setting of the listed building and from my own observations on site, taking into account the scale of the

development and advertisements and the intervening distance, I find no reason to disagree with the Council on this matter. However, this does not override the harm identified under the main issues.

19. The fact that the development and the advertisement before me were not refused on any other grounds including matters relating to ecology, trees, contamination, highways and access does not overcome the harm identified as these are other expected requirements rather than added benefits of the schemes. The company's business model is not a matter which outweighs the harm identified in each appeal.

Conclusions

20. For the reasons given, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

M Russell

INSPECTOR