



Appeal Decision

Site visit made on 14 July 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 24th July 2020.

Appeal Ref: APP/C3105/H/20/3246833

10 Banbury Cross Retail Park, Lockheed Close, Banbury, OX16 1LX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr L Knaggs against Cherwell District Council.
 - The application Ref 19/02381/ADV is dated 25 October 2019. The advertisement proposed is a Scanlite Digital Electronic LED Full Colour Ticker Display to advertise special offers, sales etc. Full colour, variable text, images.
-

Decision

1. The appeal is allowed and express consent is granted for the display of a Scanlite Digital Electronic LED Full Colour Ticker Display at 10 Banbury Cross Retail Park, Lockheed Close, Banbury, OX16 1LX in accordance with the terms of the application ref 19/02381/ADV dated 25 October 2019 and the plans submitted with it. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the regulations.

Main Issue

2. The main issue for the appeal is the visual impact of the advertisement on the building and the surrounding area.

Reasons

3. The appeal building is a modern portal framed structure which sits within a modern retail park. Each unit has an external steel frame on which the fascia signs for each shop is displayed. These are large and occupy a substantial portion of each shopfront. Nevertheless, due to the functional appearance and size of the buildings, and the degree to which the existing signage is only visible within the retail park itself, the signage appears appropriate within its context.
4. The proposed sign is an LED "Ticker" display which would sit below the main fascia and would extend along the width of the premises entrance. It would display moving text which would run along the bottom of the fascia. The Council have expressed concerns that the signage is unnecessary, and that it would appear overly conspicuous as no other unit in the retail park has similar signage. I acknowledge that the moving image would be eye-catching when in the vicinity of the building. Nevertheless, having regard to the contemporary appearance of the buildings within the park, and the extent to which these buildings are largely reliant on signage to provide variation and visual interest,

the signage proposed would not appear out of context. The signage would sit comfortably within the frontage and would only be visible from within the retail park. I am therefore satisfied that the sign would not appear incongruous and would not harm wider visual amenity.

5. The Council have drawn my attention to policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1. I have taken this into account, along with guidance contained within the National Planning Policy Framework as a material consideration, and consider that as the proposal has been informed by its context it would not conflict with this policy. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policy has not therefore, by itself been decisive. For the reasons given above, the appeal is allowed.

Anne Jordan

INSPECTOR