



Appeal Decision

Site visit made on 4 August 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/P2365/Z/20/3249379

Lidl, Atkinson Road, Ormskirk L39 2ZA

- 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 Great Britain Ltd against the decision of West Lancashire Borough Council.
 - The application Ref 2019/1325/ADV, dated 30 December 2019, was refused by notice dated 21 February 2020.
 - The advertisements proposed are described as: 'Fascia sign x 1. Totem sign x 1. Wall mounted billboards x 2 (repositioned from that previously approved)'.
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Decision

1. That part of the appeal that relates to the totem sign x 1 is dismissed. That part of the appeal that relates to the fascia sign x 1 as applied for is allowed and express consent granted for its display. 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 fascia sign shall only be illuminated during those hours when the store is open to customers. It shall not be illuminated at any other time.

Preliminary Matter

2. The Council issued a split decision which granted consent for two Lidl advertisement panels (wall mounted). On the basis of the submitted details I am satisfied that those panels referred to are the 'wall mounted billboards x 2' in the description in the banner heading above, which is taken from the application form. For the avoidance of doubt, as consent has been granted for those two advertisements by the Council, they do not form part of my decision.
3. The Council refused consent for the fascia sign and totem sign. Accordingly, it is those two signs which form the subject of this appeal decision.
4. The fascia sign and totem sign are already in place. However, the Regulations make no provision for retrospective express consent and I have considered the appeal on the basis of the proposed details on the submitted drawings.
5. The address on the application form refers to the former use of the site. As the Lidl store is now built and occupied I have used the address from the appeal form in the heading above, which is consistent with that on the Council's decision notice and which more accurately describes the site as it now stands.

Main Issue

6. The main issue is the effect of the proposed advertisements on the amenity of the area.

Reasons

7. The signs relate to a relatively new store within a retail park of similar large, purpose-built commercial units which display a variety of fascia signage. There is an existing freestanding totem sign within the boundary of the retail park close to its entrance on Burscough Road, which displays the names of various retailers within the development.

Fascia sign

8. Given its relatively limited size and its position in relation to other signage on the building, the fascia sign would not appear excessive or result in visual clutter, even taking account of that existing signage.
9. The appeal building is set back some distance from the retail park's entrance and frontage on Burscough Street and Burscough Road, and is separated from that road frontage by other large commercial buildings within the retail park. As a result, the fascia sign would only be glimpsed from a very limited range of views on those adjacent streets, including from the retail park entrance and, briefly, between buildings slightly further along Burscough Street. Therefore, and given its relatively limited size, the fascia sign would not feature prominently in public views from those nearby streets and, where it would be visible, it would be seen in the wider context of other surrounding commercial buildings within the retail park.
10. The fascia sign would project above the roofline of the appeal building in a way that those on other nearby buildings do not. However, the lower part of the sign would be fixed to the store's canopy and it would be viewed partly against the backdrop of the building's roof parapet from vantage points to the front and side of the building. It would therefore appear as an integral part of the building rather than visually detached from it. Furthermore, it would be relatively limited in size and would not appear notably taller or more prominent than the numerous large fascia signs which are positioned high up on the walls of other taller buildings within the retail park, including those visible on either side of the proposed sign when viewed from the limited public vantage points on Burscough Street and Burscough Road.
11. The illumination of the sign would also be switched off overnight, which would prevent it from appearing unduly dominant in its wider surroundings at those times when light levels are at their lowest.
12. In that context and subject to a condition restricting its hours of illumination, the fascia sign would not appear incongruous or detract from the amenity of the area. It would therefore not conflict with the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. It would also accord with Policies GN3 and EN2 of the Local Plan¹ which require proposals to have regard to visual amenity and which I have had regard to as further material considerations.

¹ West Lancashire Local Plan 2012-2027 Development Plan Document adopted October 2013

Totem sign

13. The totem sign would be located outside the retail park's boundary wall within one of the wide grass verges which run alongside the retail park frontage on Burscough Road and Burscough Street. Those wide verges, planted with trees and other landscaping, are a positive component of the street scene, softening and screening views of the retail park along those adjacent road frontages. The totem sign would be positioned further forward within that street scene than the side wall of the nearest commercial building within the retail park, and alongside part of the side wall of the dwelling on the neighbouring site. It would also be taller than those adjacent commercial and residential buildings.
14. The adjacent trees would provide some screening of the totem sign in views along Burscough Street from the south. However, from Burscough Road to the north the sign would be visible from some distance away and against the backdrop of the adjacent residential dwelling and wider residential street scene on Burscough Street beyond it.
15. In that context, as a result of its height and location the totem sign would appear as an unduly dominant feature in relation to the commercial and residential buildings immediately alongside it and in the wider street scene, even if its illumination were to be switched off overnight. Its location forward of the adjacent commercial building and within the verge would represent the encroachment of a discordant form of commercial development into the wider residential street scene beyond the retail park boundaries. The sign would also partially obscure views of the large trees between it and the neighbouring dwelling beyond, and would erode the sense of openness and space which characterise the grass verge and the contribution that those landscape features make to the amenity of the street scene at present.
16. The existing totem sign close to the retail park entrance is located within the retail park boundary, behind the wide, landscaped verge alongside Burscough Road outside the boundary. It does not extend closer to that road frontage than the side elevations of nearby commercial buildings within the retail park and is similar to them in height. It is therefore proportionate in scale to, and viewed as part of, its commercial surroundings and does not appear intrusive or unduly dominant in the context of adjacent buildings or the wider street scene as the proposed totem would.
17. The fascia signs on the Costa unit adjacent to Burscough Road are also located within the retail park boundary, on the wall of one of the buildings within it, and behind the landscaped verge on Burscough Road. They are also positioned at ground floor level. Therefore, whilst visible from some distance away, those signs are viewed against the backdrop, and in the context, of their commercial surroundings and are not directly comparable to the proposed totem sign in their form, height or location in relation to surrounding residential buildings and landscape features. Nor are other signs elsewhere within the retail park directly comparable to the proposed totem sign in terms of their location or their effect on the amenity of their wider surroundings.
18. I have been advised of the need for signage at the retail park entrance to direct visitors to the store due to its limited visibility from the road frontage. However, that matter does not outweigh or justify the harm to amenity that would arise as a result of the particular sign proposed in this case.

19. My attention has been drawn to other totem signs elsewhere in Ormskirk and the wider district. However, on the basis of the very limited information before me I cannot be certain of the circumstances in which those signs were erected or that they were directly comparable in all respects to those in the current appeal. In any event, I have considered the appeal on its own planning merits.
20. For the reasons given, the totem sign would have an adverse effect on the amenity of the area, in conflict with the Framework and with the requirements of Local Plan Policies GN3 and EN2 as further material considerations.

Conditions

21. I am advised that illumination to other signage approved on the appeal premises is not restricted. The appellant has also indicated that any illumination to the proposed fascia sign would be switched on an hour before the store opened and switched off an hour after it closed, in line with the lighting within the store itself. However, the fascia sign would occupy a significantly higher and more prominent position on the store than that other approved signage. Consequently, a condition restricting illumination solely to those times when the store is open represents a reasonable balance between directing customers towards the store when it is open and minimising the visual impact of the sign in the interests of amenity at other times.

Conclusion

22. For the reasons given, I dismiss the appeal insofar as it relates to the totem sign and I allow the appeal insofar as it relates to the fascia sign.

Jillian Rann
INSPECTOR