



Appeal Decisions

Site visit made on 16 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal A Ref: APP/T3725/W/20/3256132

Morrisons, Old Warwick Road, Leamington Spa CV31 3NT

- 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 Warwick District Council.
 - The application Ref W/20/0466, dated 19 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is for the erection of 3no. structures comprising MOT test pod, wheel repair pod and car body repair centre with associated advertisements.
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Appeal B Ref: APP/T3725/W/20/3255749

Morrisons, Old Warwick Road, Leamington Spa CV31 3NT

- 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 Warwick District Council.
 - The application Ref W/20/0467, dated 19 March 2020, was refused by notice dated 22 May 2020.
 - The advertisements proposed is for the display of signage comprising of external vinyls on the side and rear facing elevations of the car body repair centre structure.
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Decision

1. Both appeals A and B are dismissed.

Procedural matters

2. The two appeals relate to the same site and each other. I have considered each proposal on its own merits, but as they raise similar issues, I have dealt with them in a single decision letter.
3. I have removed the word retrospective from the banner heading of both descriptions as this is not a description of development. The modules are already installed, and I shall take this into account in my decision.
4. The advertisement proposal, the subject of appeal B, was granted a split decision by the Council. Therefore, and notwithstanding the description of development in the advertisement consent form, the description of development has been adjusted to exclude those advertisements that were consented and includes only the advertisements that were refused. I shall therefore consider the effect of the contested vinyls only.

Main Issues

5. With regard to appeal A, the main issues are:
 - Whether the proposed development would be in a location supported by local and national policies, and
 - The effect of the proposal on the character and appearance of the area.
6. With regard to appeal B, the main issue is the effect of the proposed external vinyls on the visual amenity of the surrounding area.

Reasons

Locational suitability of the use

7. The development plan for the district includes the Warwick District Local Plan 2011-2029 (2017)(LP). In urban areas policy EC1 seeks to direct industrial and storage uses towards allocated employment land allocated by policy DS9, in established and committed employment areas covered by policy EC3 and within town centres. This policy complies with the National Planning Policy Framework (the Framework) where it places significant weight on the need to support economic growth. The proposal would not fall into any of the three stated criteria. The companion text of policy EC1 explains that the intention of the policy is to support the retention of existing employment areas and for development to be well related to existing employment and housing areas. This approach would preserve and support the important contribution made by new development to employment land.
8. The policy defines employment land as being B1(b) and (c), B2 and B8. It is not disputed between parties that the proposal would fall within the definition of employment use. The policy does not expressly state where such activity would be unacceptable, but it does provide a clear and unambiguous direction as to where new employment opportunities should be targeted. Although, the site is within an area of commercial activity, this is not an existing employment area. Therefore, the proposal would conflict with the expectations of the policy in creating an isolated and disconnected employment use outside of a defined area that would not support existing employment areas.
9. It is in dispute between parties whether the site is previously developed land (PDL). Its definition within the Framework includes "land which is or was occupied by a permanent structure, including the curtilage of the developed land". The modules are located on hardstanding within a site that is acknowledged as formerly being part of a large foundry. Therefore, based on the evidence before me I am satisfied that a positive benefit of the proposal would be the reuse of PDL. The Framework supports development of such land and the site is well connected to the highway network. However, these benefits would not outweigh the conflict found with the policy.
10. The appellant identifies that the proposal would enable the retention of six jobs and would not be located close to noise sensitive uses. Furthermore, it is stated that the facility would offer more choice to customers, with benefits to the local community. These economic and social benefits are of moderate weight. However, taking the above considerations together these would not outweigh the employment land requirements of policy EC1 or where it seeks to direct such activity. As the site is not within a location that the policy directs

employment use towards, the proposal associated with appeal A would not accord with policy EC1 of the LP.

Character and appearance

11. The site is located within the car park of a food store. The food store is a modern and well detailed building with a large glass lobby around its pedestrian entrance. It consists of a range of good quality materials and finishes that provide effective articulation of the building. The surrounding car park to the side and rear of the store is well laid out with landscaping separating the parking rows and adding interest to an otherwise unadorned area. The modules are located to the rear of the food store. They are close to the main vehicular entrance into the site. The structures are located on a triangular section of land previously used as car parking associated with the food store. Access roads run to both sides of the modules. A small demountable building is adjacent to the wheel repair module. This gained planning permission around 2017. The area to the rear of the food store is relatively prominent due to the vehicle access arrangements and the generally open nature of the car park. In its undeveloped form the site would have made a positive contribution to the open character of the area.
12. The proposal relates to three modules that provide car body repairs, wheel repairs and MOTs. The buildings are clad in composite panels. They are single storey in character, although the MOT module includes additional height to accommodate a post lifter, adding to its overall bulk. Although to the rear of the food store, the modules are in a relatively prominent and isolated position. Due to their height and choice of materials, they do not complement the design of the food store and have the appearance of purely functional industrial buildings. They would therefore not integrate well with the surrounding commercial environment. This impact is further emphasised when the roller shutters are down and the business closed, as observed during my visit. Furthermore, the MOT and Repair Centre modules present a utilitarian rear elevation to customers arriving to the store from this entrance. The modules are therefore an overt and harmful addition to the car park.
13. During my visit I observed that the terminus of the car parking rows adjacent to the appeal site include trees and shrub planting. Therefore, it appears that such landscaping was also previously in a similar location now occupied by the end of the car repair centre. This area now contains hardstanding and a row of rather unsightly galvanised bollards. Although the appellant has offered to install new landscaping, this would be ineffective to screen the development or mitigate its harmful visual impact.
14. The modules are clad in metal panels and have flat roofs and roller shutter doors, creating a rather featureless and 'boxy' appearance. Their visual impact may well be suited to an employment site but in this open and exposed location they are anomalous structures divorced from an industrial setting. Furthermore, the choice of location, without the benefit of screening or boundaries that might frame the structures, result in the creation of obtrusive features.
15. Accordingly, for the reasons outlined above the proposal associated with appeal A would be contrary to policies BE1 and NE4 of the LP. These require, amongst other things, for development to positively contribute to the character and

quality of its environment through good design and relate well to local built form.

Visual amenity

16. The rear area of the site includes limited advertisements related to the food store, being located away from the main pedestrian entrance into the building. Its key characteristic is as an open car park, within landscaped areas. This therefore offers a relatively subdued commercial setting.
17. The proposed vinyls would extend to the full side and rear elevations of the car repair module. These would result in the creation of a broad array of text and graphics. This would be a stark addition that would have a harmful visual impact on the site in contrast to the existing low-key setting. These would be similar, to some extent, to those already installed around the wheel A&E module in scale. However, the existing advertisements are relatively constrained and subtle additions to that unit. Whereas the car module is in a more exposed location within prominent views of customers arriving into the site via the adjacent entrance.
18. I have already found that the structures would harm the character and appearance of the area due to their appearance and prominence. Although the proposed advertisements would enliven the elevations and add interest, they would be dominant and expressive. They would draw further attention to the structures and their discordant location. I am unconvinced why it would be necessary for this module to include such striking advertisements to distinguish it from the food store. The proposed advertisements would not be sympathetic to their surroundings being poorly sited and designed. Therefore, the advertisements associated with appeal B would have a harmful impact on the visual amenity of the surrounding area.
19. In accordance with the Regulations, I have also taken into account the provision of the development plan so far as it is material. Accordingly, the proposed advertisements would not accord with policy BE1 of the LP, which seeks development to harmonise with the local settlement and adopt appropriate materials and details.

Conclusion

20. For the above reasons both appeals are dismissed.

Ben Plenty

INSPECTOR