

Appeal Decision

Site visit made on 21 December 2021

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/F2415/Z/21/3280622

Sainsbury's Superstore, St. Mary's Place, Market Harborough LE16 7DR

- 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 Mr Richard Wilson, Clear Channel UK, against the decision of Harborough District Council.
 - The application Ref 21/00712/ADV, dated 16 April 2021, was refused by notice dated 14 June 2021.
 - The advertisement proposed is a digital 6 sheet display at store entrance/exit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documentation indicates that the digital display has already been installed and this appeal relates to a refusal for retrospective express consent.

Main Issue

3. The main issue is the effect of the advertisement on the visual amenity of the area, including the setting of the character and appearance of the Market Harborough Conservation Area, and setting of a Listed Building.

Reasons

4. The digital display is located to the side of the glazed entrance doors at Sainsbury's Superstore, under the entrance canopy. The store entrance faces a large car park, and the display is viewed in conjunction with other retail premises, as well as The Settling Rooms, a Grade II Listed Building, situated in the middle of the car park. The boundary of the Market Harborough Conservation Area is situated just to the north of the store entrance, following the bank of the River Welland, creating a leafy backdrop to the northern side of the store and car park. The Conservation Area boundary at this point marks the edge of the historic town centre and this is also a main pedestrian route from the car park into the town. The area immediately to the north of the store entrance forms part of the setting of the Conservation Area and makes a positive contribution to its character and appearance.
5. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in so far as it relates to the consideration of amenity. I have also had regard to the setting of the Listed Building which is also a relevant consideration.

6. The area is largely free from visual clutter and advertisements are predominantly limited to the names of retail outlets. I have not been made aware of any other illuminated advertisements in the immediate area, apart from an internally illuminated fascia sign above the main entrance to the Sainsbury's store which was granted approval in March 2021. This comprises internally illuminated lettering located above the appeal proposal.
7. The digital display is an internally illuminated freestanding sign which aligns with the left-hand framing of the store window, within the entrance recess. The technical guidance states that during the day the brightness is controlled by ambient light levels, during darkness lighting is in accordance with Institute of Lighting Professionals Guidelines and the unit turned off when the store is closed. Images change no more frequently than every ten seconds.
8. I viewed the unit during the daytime and noted that the digital display could be seen extensively across the car park, and the bright colours and moving images made it particularly noticeable and visually intrusive. The display was considerably brighter than the general lighting in the store entrance, drawing the eye. Later in the afternoon I viewed the proposal again when it was darker, and the visual impact of the display was even more pronounced.
9. Whilst this is a busy retail area, the digital display is unduly prominent, introducing unnecessary clutter into the public realm and looks out of place when seen alongside the tree-lined riverbank at the pedestrian entrance to the town centre, harming the setting of the Conservation Area. The display can also be clearly seen in conjunction with views of the Listed Building towards the town centre. It is an architecturally distinctive and eye-catching building, which is an isolated landmark in the car park. The vivid, moving digital display is a distracting feature in the backdrop of these views. The sign therefore fails to preserve or enhance the setting of the Conservation Area and harms the setting of the Listed Building.
10. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy GD8 and Policy RT3 of the Harborough Local Plan (2019) seek, amongst other things, to ensure that advertisements respect the context of the site, respect the character of the area, including areas with a high heritage value, and minimise glare from external lighting. Policy HC1 of the Local Plan seeks to conserve the setting of heritage assets. I have concluded that the appeal proposal harms amenity, and therefore the proposal conflicts with these policies. There is also conflict with paragraph 136 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the advert has an adverse effect on the visual amenity of the area, including the setting of the Market Harborough Conservation Area, and setting of a Listed Building and therefore the appeal is dismissed.

G Bayliss

INSPECTOR

