The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/Q1825/Z/21/3284454
Lidl, Battens Drive, Redditch, Worcestershire B98 0LJ

- 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 Limited against the decision of Redditch Borough Council.
- The application Ref 21/00745/ADV, dated 7 May 2021, was refused by notice dated 13 August 2021.
- The advertisement proposed is 1 x illuminated flagpole sign (5.98 metres by 2.10 metres) (S2).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.

3. The Council issued a split decision in respect of the advertisement consent application and allowed consent to display 2 x illuminated 'Lidl' signs (2.5 metres by 2.5 metres) (S1); 1 x column mounted poster display unit (2.22 metres by 1.70 metres) (S3); 2 x small wall mounted billboards (1.64 metres by 3.245 metres) (S4); 3 x large wall mounted billboards (3.25 metres by 6.30 metres) (S5); and 1 x directional sign (1.50 metres by 0.825 metres) (S6). Therefore, and notwithstanding the description of development in the advertisement consent application form, the description of development in the above banner heading excludes these consented advertisements and includes only the advertisement that was refused by the Council on 13 August 2021.

Main Issue

4. Paragraph 136 of the National Planning Policy Framework (The Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account cumulative impacts. The Council has not raised any public safety concerns and I have no reason to disagree.

5. Accordingly, the main issue is the effect of the advertisement upon the visual amenity of the area.

Reasons

6. Battens Drive is an arterial route connecting Warwick Highway with the A4023. Streetlighting is relatively dispersed, and the highway is enclosed with trees and hedges. Occasional junctions, connecting onto this road, are discrete and built form is generally screened from the highway. As such, the highway possesses a strong verdant character. The food store, nearing completion on site, is partially screened by mature tree planting in views of the site looking north. The building therefore has a modest overall visual effect on the Country Park from this vantage. A narrow section of the appeal site connects onto the Country Park access. This area of land is adjacent to the Country Park to its rear and side.

7. The site of the proposed flagpole sign is at the end of this part of the appeal site. The site's access, car parking area and roadway towards the visitor centre, maintain a sense of openness that complements the character of the Country Park and its context. The site therefore makes a positive contribution to the character and appearance of the area.

8. The proposed flagpole advertisement would be a tall and wide feature. This would be in a raised position, being pole mounted, that would emphasise its presence within the streetscene. Furthermore, being internally illuminated the sign would attract attention over a substantial distance along Battens Drive, which is lit by comparatively subdued streetlighting.

9. Although being shorter than adjacent trees and the building, the advertisement would be some distance from the food store and its associated signage. It would therefore relate more to the Country Park than the food store. Consequently, this would intrude into the verdant setting of the Country Park and would not relate well to the commercial use of the northern part of the site. Accordingly, the proposed sign would appear divorced from the retail premises it serves. As a result, the proposed sign would be a bold and strident addition, on an isolated site, that would be obtrusive within the streetscene.

10. Consequently, the proposed advertisement would harm the amenity of the local area. As such, the proposal would conflict with paragraphs 130 and 136 of the Framework. This requires proposals to consider the effect of advertisements on amenity and to be sympathetic to the character of the local area. In accordance with the Regulations, I have also considered the development plan so far as it is material. The proposal would also fail to comply with Policies P39 and P42 of the Local Plan. These policies require, among other matters, for development to respond positively to the local area and be of a scale and character that is appropriate to the site upon which it is to be located.

Other Matters

11. The approved signage associated with the food store would readily announce the presence of the retailer in views of the site from the highway. Views of the site from the south would not be screened to an extent that would render the store hidden from the highway. As a result, the appellant has failed to demonstrate why the position, scale and illumination of the proposed advertisement would be essential to the business.

12. I am cognizant of evidence within the submission that relates to other free-standing signage within the local area, especially with respect to totem signs.

Nonetheless, these are mostly some distance from the site and are in a different context. The totem sign opposite the site is recessed from Battens Drive and set within the context of adjacent trees as a backdrop. As such, being of a dissimilar character the approved totem signs convey limited weight in favour of the proposal.

13. The Council's High Quality Design guidance provides advice for the siting of free-standing advertisements. However, my reading of this does not identify a clear conflict. The proposal would be located at the site entrance, would include the business name/logo and be of appropriate colours, all of which are supported by the guidance. Nevertheless, the harm identified to the character of the area would be significant, despite the proposed advertisement's compliance with this guidance.

Conclusion

14. For the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR