



Appeal Decision

Site visit made on 30 May 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27th June 2023

Appeal Ref: APP/X1165/Z/22/3310493

Aldi Store, Kerswell Gardens, Torquay TQ2 7HX

- 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 Aldi Stores Ltd against the decision of Torbay Council.
 - The application Ref: P/2022/0282 dated 03 March 2022, was part refused by notice dated 12 September 2022.
 - The advertisement proposed is described as one internally illuminated three poled totem sign (Sign E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought express consent for a number of different advertisements at the site and the Council issued a split decision, granting consent for all with the exception of Sign E, one x internally illuminated three poled totem sign. This is, therefore, the only part of the original proposal which I shall consider.
3. The Appellant has submitted a series of CGI images with the appeal that I have taken into account.

Main Issue

4. I agree that issues of highway/public safety are not raised in this appeal, only issues of amenity. Accordingly, the main issue in this appeal is whether the proposed advertisement would be acceptable in visual amenity terms.

Reasons

5. The appeal site lies on the north-western edge of Torquay to the immediate north of the junction of Torquay Road with Riviera Way and Hamelin Way, a major highway junction for the A380, leading into Torquay and south to Paignton. At the time of my site visit, the site was under construction for a new ALDI store together with other retail/ restaurants and commercial uses, following the Council's grant of planning permission under Ref: P/2020/1298. The immediate surrounding area to the west, east and north of the large site is mainly undeveloped rural land. The ALDI store would be close to the site frontage together with a drive through Costa Coffee. The site is set down from

- the highway at the eastern end of the site, with the land generally rising away from the front of the site.
6. The proposed advertisement the subject of this appeal would be a totem sign in a three post-arrangement with signage facing both southwards and westwards. The proposed post and signs would be a total of 10m in height from the immediate ground levels and some 7m above the height of the nearby highway. It would contain a number of signs relating to the different uses on the main site. The sign would be internally illuminated.
 7. In terms of siting, the advertisement would be at the very eastern end of the site. There is a very immediate and distinct change from the development site to the open fields which surround the site and which rise from the edge of the site. The proposed sign would appear, from the roadside, to be beyond the eastern edge of the development, with a rural backdrop. Whilst I understand the commercial reasons for seeking to site the sign as far to the east as possible, the proposed siting would appear to extend the commercial related development beyond the site and would intrude into the rural hinterland surrounding the site and at this important entrance point into Torquay. From some directions, the sign would appear divorced from the commercial development and standing in isolation against the rural surroundings. I have taken into account the proximity of the sign to a major road junction, but this does not override the harm I have found from its siting.
 8. The Appellant has drawn my attention both to Policy SDT3 (Torquay Gateway) of the Torbay Local Plan which provides for a high quality mixed use development to serve the Edginswell Future Growth Area, including the Kerswell Gardens site, and to the Torquay Gateway (Edginswell) Masterplan Supplementary Planning Document (2015) (SPD) which sets out the principles to guide development within this major development area.
 9. The Appellant contends that the immediate and wider area is subject to major change and that the proposed signage needs to be viewed in that context. Whilst the scale of the change is clear and is underway, there is nothing in the SPD which indicates that development is planned to extend beyond the current area of the site in an easterly direction. Indeed, and whilst acknowledging the masterplan is illustrative, the land to the east of the Kerswell Gardens site is shown to be a woodland edge with the rural landscape beyond.
 10. Whilst I have taken into account that this approach is not part of an adopted policy, there remains nothing in this document which suggests that a major change is envisaged, in terms of further development planned, beyond the site for which planning permission has been granted.
 11. The Council has also raised in its reason for refusal a concern that there would be an accumulation of signage, particularly taking into account Sign D which is also a totem pole sign which has been permitted by the Council. However, Sign D is close to the western entrance to the site and the other signs approved are internal to the site. Given the distance between the signs, I do not share the Council's concerns in respect of the visual impact from the accumulation of signage, but this does not override the harm I have already concluded in respect of visual amenity.
 12. For these reasons I conclude that the proposed sign would harm the visual amenity of the local area. I have taken into account Policies DE1 and DE6 of

the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

13. The Appellant has drawn my attention to an advertisement appeal for a site in Warwickshire granted in 2017 under the Ref: APP/J3720/Z/17/3177680. I have noted that this appeal also related to a totem pole sign and close to a road junction. However, each proposal must be judged on its individual merits and there is nothing in that appeal which persuades me to a different view, given the harm to visual amenity I have concluded in the particular circumstances of this case before me.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR