



Appeal Decision

Site visit made on 26 September 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/B3030/Z/23/3323364

Interchange Service Station, Lincoln Road, Winthorpe NG24 2NY

- 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 Motor Fuel Group against the decision of Newark & Sherwood District Council.
 - The application Ref 23/00198/ADV, dated 2 February 2023 was refused by notice dated 6 April 2023.
 - The advertisement proposed is described as '7m totem pole sign'.
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Decision

1. The appeal is allowed, and express consent is granted for the display of 7m totem pole sign in accordance with the terms of the application. 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 intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m².

Main Issue

2. The main issue is the effect of the proposed sign on the amenity of the area.

Reasons

3. The appeal advertisement would be situated on the grass verge on the north-western side of the A46. The appeal advertisement would advertise the electrical charging facility at the adjacent service station.
4. The advertisement would be positioned close to the highway so that it would be easily visible to motorists. Viewed from the A46 the proposed advertisement would appear within the context of the wider service station, with the service station canopy and building in its backdrop, and landscaping in view beyond. The advertisement would be well-related to the service station, and having regard to its commercial setting would not appear out of keeping or incongruous with the character of the locality.
5. Whilst other signs are present, they are not within close proximity to the appeal site. I observed them to be positioned southwards towards the vehicular entrance of the service station and adjacent to the current vacant building. The Council has raised concern with regards to visual clutter when combined with advertisements at the service station opposite the appeal site. As these are sited on the opposite side of the carriageway, relating to a different site, I consider that these advertisements are positioned sufficiently far enough away so as not to result in cumulative visual clutter.

6. Given the scale, positioning and commercial context of the appeal site, the proposal would not have a detrimental impact on visual amenity.
7. I have considered Policy DM5 of the Newark & Sherwood Local Development Framework: Allocations & Development Management Development Plan Document adopted July 2013 which, amongst other things, states that development proposals should have regard to their impact on amenity or operation of surrounding land uses. Similarly, I have taken into account the guidance with the Shopfronts and Advertisements Design Guide 2014 and paragraph 136 of the National Planning Policy Framework. With respect to the main issue, I find that the proposal would not cause harm to the amenity of the area and accordingly the proposal does not conflict with these policies or guidance.

Other Matters

8. The Council has not raised any concerns regarding public safety arising from the proposal. The advertisement would have an internal static illumination level of 300cd/m². On this basis I find the proposal would also be acceptable in respect of public safety.
9. The appeal site lies approximately 95m away from the boundary of the Winthorpe Conservation Area (CA). Having regard to the siting of the advertisement, including its distance from the CA boundary and the presence of mature landscaping along the north and north-western boundaries of the site, the proposal would not result in an unacceptable impact upon the setting of the CA. The Council did not include a reason for refusal regarding the impact of the proposal upon the setting of the CA. Based on the plans before me, and as observed at my site visit, I have no reason to disagree.
10. It has been brought to my attention that National Highways raise no objection, subject to the imposition of a condition requiring the submission of information relating to the installation of the sign and its impacts upon the integrity of the highway drainage ditch. This request does not relate directly to the advertisement proposal before me and as such it is not reasonable or necessary for me to attach these conditions to the advertisement consent.

Conditions

11. In the interests of highway safety, the illuminance of the advertisement is to be restricted.

Conclusion

12. For the reasons given I conclude that the appeal is allowed.

R Gee

INSPECTOR