



Appeal Decision

Site visit made on 14 November 2023 by Ms S Maur MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/W0340/Z/23/3323743

Newbury Retail Park, Pizza Hut (uk) Ltd, Pinchington Lane, West Berkshire Newbury RG14 7HU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by TH UK and Ireland Ltd against the decision of West Berkshire Council.
 - The application Ref is 23/00381/ADV.
 - The advertisement proposed is display 2 no. internally illuminated information signs.
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Decision

1. The appeal is dismissed in so far as it relates to the internally illuminated information sign referenced DTS-7A on plan 0077-AD-01.1 Rev B and located close to the entrance to Newbury retail park and adjacent to the western boundary of the appeal site.
2. The appeal is allowed insofar as it relates to the internally illuminated information sign referenced DTS-7A on plan 0077-AD-01.1 Rev B and located adjacent to the pedestrian pathway and the southern boundary of the appeal site at Newbury Retail Park, Pizza Hut (uk) Ltd, Pinchington Lane, West Berkshire, Newbury RG14 7HU in accordance with the terms of the application Ref 23/00381/ADV, and express consent granted for its display. 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.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. The appeal property was formerly a Pizza Hut, which had a number of signs. Those have since been removed and it is currently in the process of changing to a Tim Hortons. The application made to the Council included the display of 1 no. internally illuminated totem sign; 1 no. internally illuminated height limiter sign; 6 no. internally illuminated information signs and 9 no. fascia signs. These were allowed by the Council in a split decision, and therefore this appeal will not consider these elements of the original proposal. I have amended the description in the banner heading accordingly to refer to only the signs refused by the Council.

5. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
6. The Council has drawn my attention to development plan policies it considers pertinent to this appeal and I have taken them into account where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

7. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter. Accordingly, the main issue is the effect of the proposed advertisements on amenity.

Reasons for the Recommendation

8. The building sits within a retail park, near the main retail park entrance. The area is commercial in character and there is an existing freestanding tower sign at the entrance of the retail park which lists the names of the associated businesses and a Lidl totem sign. There is a McDonald's Drive Thru opposite the host building.
9. One of the proposed billboards would be seen alongside the existing large totem and tower style advertisements at the entrance to the retail park. Although signage is common within this commercial context and retail park frontage, the proposed billboard would notably increase the amount and spread of signage in this location. It would be highly visible and due to its height and width, its visual impact would not be significantly softened by surrounding landscaping. Consequently, it would lead to a proliferation of signage in this location, to the detriment of the amenity of the area.
10. The second proposed billboard would be positioned to the east of the retail park entrance and just before a road crossing and traffic lights set back from the pavement. Even though this signage would also be visible, it would be set away from the other existing signage on the appeal site and elsewhere. Although there is some Tesco signage nearby, it is on the opposite side of the road so well away from this proposed sign. Consequently, this billboard would not result in a proliferation of signage or be unduly dominant, and therefore would not harm amenity.
11. There are similar billboard style adverts associated with the nearby McDonalds, but these are set back within the retail park. In addition, whilst there are many different signs for the various car dealerships located in The Triangle, there is a degree of separation from the appeal site and there are not located on the same main road. Consequently, these other examples do not have the same visual impact as the proposed billboards and do not justify the harm identified.

12. For the reasons detailed above, the billboard advertisement proposed close to the entrance to the retail park would harm amenity, however the other billboard close to the pedestrian crossing would not. I have taken into account Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 which seek to enhance and conserve the character and appearance of the locality. Insofar as I have found harm to amenity from one of the proposed advertisements, there would be conflict with these policies.

Other Matters

13. The signs would display commercial offers to the public, attracting them to the premises, with resulting economic benefits. It has not however been demonstrated that they need to be of the size and position proposed in order to achieve this. Consequently, this does not justify the harm identified from one of the proposed billboards. There were no objections from Environmental Health and Newbury Town Council however this are neutral matters which do not mitigate against the harm that would arise.
14. The Highway Authority states that the land that the signs would be installed on will become dedicated public highway in the future as part of a road widening scheme. It acknowledges however that this will be some years away, and there is no substantive evidence before me that it would occur within the five-year period for which consent is sought. Therefore, this does not prevent me recommending allowing the advertisement which does not harm amenity.

Conditions

15. The consent is subject to five standard conditions as set out in the regulations and no other conditions are necessary.

Conclusion and Recommendation

16. The two billboards are separate and severable elements. For the reasons given above and having had regard to all other matters raised, I recommend that a split decision is issued dismissing the sign close to the entrance and allowing the sign close to the pedestrian crossing, granting express consent with the five standard conditions.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and recommendation. On that basis the appeal is dismissed insofar as it relates to the billboard sign close to the entrance, and allowed insofar as it relates to the billboard sign by the pedestrian crossing, subject to the five standard conditions.

L McKay

INSPECTOR