



Appeal Decision

Site visit made on 2 October 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th October 2024

Appeal Ref: APP/J4423/H/24/3345537

Starbucks, 2 The Common, Ecclesfield, Sheffield S35 9AJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, (the Regulations) against a refusal to grant express consent.
 - The appeal is made by 23.5 Degrees Limited against the decision of Sheffield City Council.
 - The application Ref 24/00899/ADV, dated 21 March 2024, was refused by notice dated 30 May 2024.
 - The advertisement proposed is one internally illuminated totem sign.
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Decision

1. The appeal is allowed and express consent granted for one internally illuminated totem sign at Starbucks, 2 The Common, Ecclesfield, Sheffield S35 9AJ in accordance with the terms of the application, Ref 24/00899/ADV, dated 21 March 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Regulations and the following additional conditions:
 - (1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No: 39.124-01.1B Location and Block Plans
 - Drawing No: 39. 124-02.1B Site Plan
 - Drawing No: SBS.F1 Totem Pole (5.999m)
 - (2) Notwithstanding the approved plans, the illuminated totem sign hereby approved shall not exceed a luminance value of 300 cd/m².
 - (3) The totem sign hereby approved shall not be illuminated outside of the hours of 06.00 to 21.00.

Procedural Matters

2. The Council has referred to the policies that it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in my determination of this appeal, the Council's policies have not, by themselves, been decisive.
3. It is noted that through a succession of planning applications, the height of the proposed totem sign has reduced from 9 metres to 5.999 metres, as is now the case in this appeal. Whilst I have had regard to this, and other material considerations, in relation to this proposal, I must determine this appeal based primarily on the merits and circumstances of the proposal before me and confirm that I have done so.
4. At the time of my site visit, the Starbucks drive-through building was open and in operation and the nearby Greggs unit was completed but not occupied. I noted also a sub-station

building, mentioned by the Council in submissions and which does not appear on the submitted plans, was in situ adjacent to the proposed location of the totem sign. I have had regard to these matters as material considerations and context in determining this appeal.

Main Issue

5. The Council's reason for refusal does not cite any public safety concerns from any relevant party in relation to the proposed advertisement and there is nothing before me to indicate that it would cause a traffic hazard or other public safety issue. Following my assessment of the evidence and on-site observations, I am satisfied there is no public safety issue.
6. The main issue is, therefore, the effect of the proposal on amenity in the surrounding area.

Reasons

7. The proposed totem sign would be positioned at the entrance to the approved drive-through site on its eastern boundary and would be visually prominent in the wider street scene which is acknowledged as being essential in alerting drivers to the existence of the drive-through and to direct them to the correct point of entry to the site. The local area is a mix of commercial and residential development. The majority of commercial premises are located on the west side of The Common, including the appeal site. The proposal would be situated in an area where other totem signs serve nearby commercial properties, including an internally illuminated sign for Aldi to the south-east (approximately 6 metres in height), Greggs (also about 6 metres high) and Jumaira Spice Indian Restaurant to the north-east (around 4 metres high). It is not clear if the signs serving Greggs and Jumaira Spice are internally illuminated. However, they form part of the overall signage present in the vicinity.
8. Policy B13 of the Sheffield Unitary Development Plan (the UDP) aims to ensure that illuminated advertisements will only be permitted where they are not a traffic hazard and do not harm the character or appearance of the area. Furthermore, internally illuminated signs will be permitted where they do not result in harm to living conditions.
9. The Council has approved the signage and design on the main building of the Starbucks drive-through development and the proposed totem sign matches this in quality and standard. The Council's reason for refusal relates to the size, form, position and proximity of the proposed totem to other signage and nearby residential properties in terms of living conditions for occupiers of those properties and states that the proposal would be contrary to Paragraph 141 of the National Planning Policy Framework 2023 (the Framework) as well as Policy BE13 of the UDP.
10. Whilst the totem sign proposed would be closer to nearby residential properties than the approved signage on the drive-through building, it would be in excess of 21.5 metres distant from the closest dwelling at No.3 The Common. This is a slightly greater distance from the nearest residential property at No.23 The Common to the approved 6 metre-high internally illuminated Aldi totem sign situated to the south-east. In this regard, I find there to be very little difference in the two signs in terms of their position and proximity to residential properties, their impact on amenity for the resident occupiers and their visual impact on the character and appearance of the surrounding area.
11. The Council makes points in relation to the increased level of signage and perceived street clutter emerging from the approved commercial developments in the locality, including Aldi, Greggs and the Starbucks drive-through unit and considers such increases would be harmful to the open and uncluttered character and appearance of the local area. In my assessment, it is inevitable that there would be an increase in street paraphernalia and clutter associated with the commercial developments in the area. The introduction of the proposed totem sign would not, individually, result in any further substantive harm to the character and appearance of the area which I find to comprise of a strong mix of residential and commercial uses along The Common. Moreover, when considered both individually

and cumulatively, the impact of the proposed totem sign in that context would not result in any substantive or prominent adverse effect on amenity in the surrounding area.

12. Having assessed the proposal on its own merits and circumstances, I find that its impact on the surrounding area in terms of character and appearance would be very limited, due to the presence of similar approved signage on the adjacent drive-through unit. The proposed design of the totem sign would be consistent with the character and appearance of the drive-through building and its associated signage in scale, quality and use of materials. Furthermore, the colours proposed for the totem signage would not be brash and would suitably blend with those used on the nearby building.
13. The character of the surroundings to the west side of The Common is commercial nature and the proposed totem sign would be in keeping with that context. I find there to be a sufficient and significant separation between the visual character and appearance of the commercial and residential areas on either side of The Common to ensure the proposed totem sign would not result in any cumulative amenity issues in the area.
14. Notwithstanding this, from what I have seen and read, I find that the inclusion of conditions that restrict the level of illumination during late evening and into the early morning would ensure that the proposal was not experienced as an unacceptably distracting or harsh addition in the environment during periods of darkness. The timings set out in relation to these conditions have been determined to accord with the advertised opening times of the drive through which I noted during the site visit.
15. I acknowledge that the Council would prefer to see a smaller advertisement, or no totem sign at all, in this location given the presence of other approved signage in the vicinity. However, in this case, the totem sign would be an appropriate size and height, given its context, to reasonably attract passing motorists and customers. Furthermore, this would be achieved, with the identified conditions, with minimal harm to amenity and the character and appearance of the area.
16. Consequently, for the above reasons, I conclude that the proposed totem sign would not result in any substantive harmful impact to amenity in the surrounding area and any relevant features of scenic, historic, architectural, cultural or other special interest. It would therefore accord with Policy BE13 of the UDP and be consistent with Paragraph 141 of the Framework.

Conclusion

17. For the above reasons, and having regard to all other material considerations raised, the appeal is allowed and express consent granted for one internally illuminated totem sign in accordance with the terms of application Ref: 24/00899/ADV and subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations (as amended). In addition, for the avoidance of doubt and in the interests of certainty, it is necessary to impose a condition relating to the approved drawings. Furthermore, in the interests of amenity, it is necessary to impose a level of luminance condition and a condition that restricts when the totem sign can be illuminated.

A McCormack

Inspector