

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

**Application Number:** 16/05872/ADV

**Parish:**

Oswestry Town

**Proposal:** Erect and display 4 no. store billboard advertisement signs and 1 no. free standing billboard

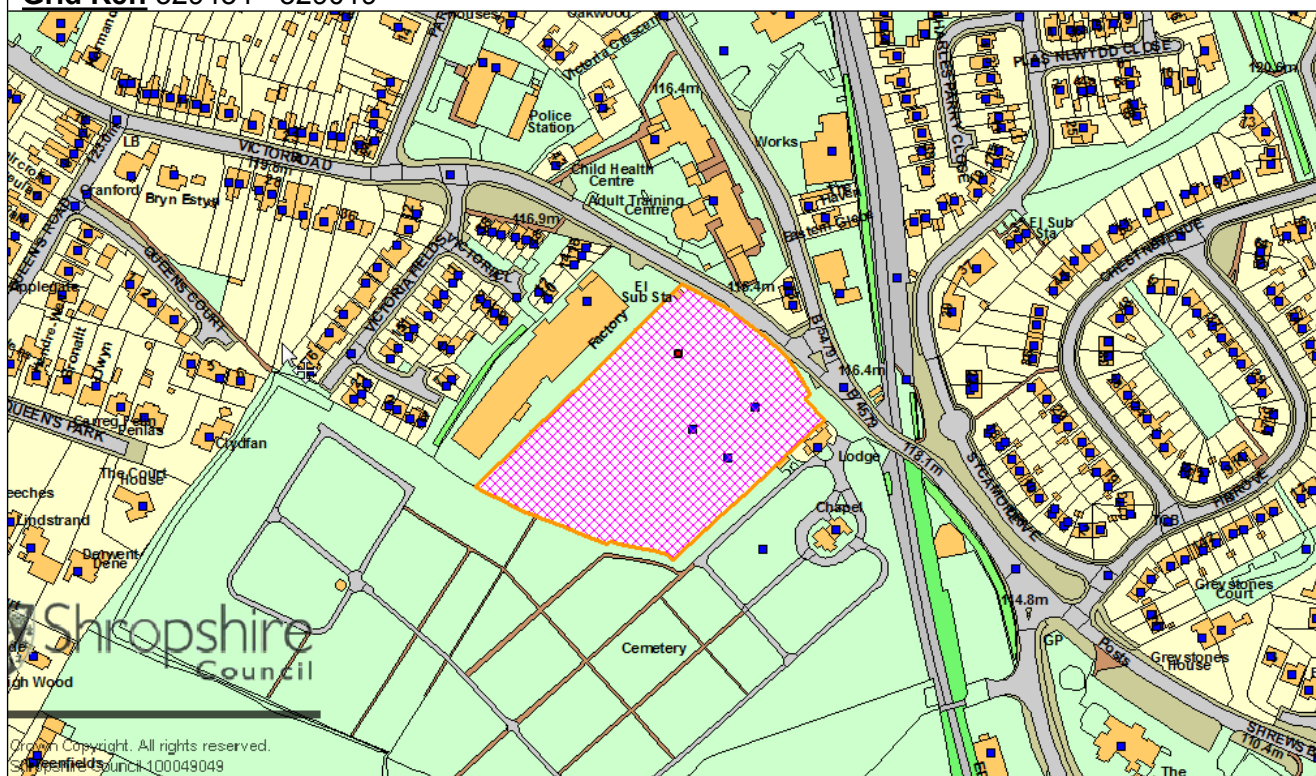
**Site Address:** Lidl 70 Victoria Road Oswestry Shropshire SY11 2HU

**Applicant:** Lidl UK

**Case Officer:** Karen Townend

**email:** [planningdmne@shropshire.gov.uk](mailto:planningdmne@shropshire.gov.uk)

**Grid Ref:** 329434 - 329019



**Recommendation:- Part Approved Part Refused subject to the conditions set out in Appendix 1 and the following reason for refusal:**

*The proposed free standing billboard advertisement is not considered to be acceptable when considered against the relevant considerations for advertisement consent Core Strategy policy CS6 and SAMDev policy MD2 as this advertisement board is considered to be of a scale which is visually harmful and prominent on the skyline and street scene.*

**REPORT**

**1.0 THE PROPOSAL**

1.1 The application is for proposed signage for a new build Lidl food store. The proposal, as submitted, was for 4 externally illuminated billboard signs attached to the new food store and 1 non-illuminated, free standing, billboard sign within the car park. During the consideration of the application the scheme was revised to 3 signs attached to the building and the 1 in the car park. The application seeks consent for 5 years.

1.2 A separate, second, planning application has also been submitted for a second sign within the car park. This is being considered under application 17/00586/ADV.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application relates to the proposed Lidl store which was granted consent as part of a development for one food store and three non-food stores on the land previously occupied by JT Hughes car dealership in Oswestry.

2.2 The store is purpose built, appears two storey at the front with a sloping roof, sloping from south to north. The building is to be clad in composite panels with glazing to the front elevation. To the north-west of the site are semi-detached red brick houses, the cemetery lies to the south and east of the site with a stone wall between the site and the cemetery and mature trees within the cemetery site. Victoria Road runs along the north boundary of the site with office buildings and a Victorian terrace of houses opposite. Victoria Road joins Salop Road on the edge of the site.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council views are contrary to the recommendation from officers. The local member's view was sought but no comments have been received at the time of publishing the report. The matter was therefore discussed with the Chair of the North Planning Committee who confirmed that the Town Council has raised issues which are material planning considerations that are not overcome by negotiation or consultee comments. As such the Chair considers that the application should be determined by committee.

**4.0 CONSULTATION RESPONSES**

**4.1 - Consultee Comments**

4.1.1 **Oswestry Town Council** – Object to the application for the following reasons:

- The Council feels that the number of signs being proposed is excessive and will be to the detriment and disadvantage of town centre businesses. The Council feels that this is in contradiction to National Planning Policy to promote competitive town

centres that provide customer choice;

- The billboards will not be in keeping with the area and will dominate the visual appearance of the street and neighbouring area. It was also felt that such signage was not appropriate with the close proximity of the development in relation to the Towns Cemetery;
- Councillors also felt that given the new road layout and the creation of a traffic lighted junction that the signs could prove to be a distraction to drivers and affect the visibility as cars approach the junction;
- That Shropshire Council consider the appropriateness of the signage in accordance with their policy on billboard advertisement signs. Should no policy exist the Council feel that one should be developed.

- 4.1.2 **Highways** – No objection – subject to the development being constructed in accordance with the approved details and the recommended informatives.

The proposed signage is within the private curtilage of the site and is not considered likely to raise undue highway implications for passing motorists on the adjoining carriageway.

4.2 - **Public Comments**

2 neighbouring properties have been consulted and a site notice erected to notify the community of the proposal. No comments have been received as a result of this consultation.

5.0 **THE MAIN ISSUES**

- o Principle of development
- o Impact on visual amenity
- o Impact on public safety

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 The display of advertisements can only be controlled in the interests of 'amenity' and 'public safety'. Policy CS6 of Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved.

- 6.1.2 The comments of the town council regarding the signage being detrimental to town businesses is not a material consideration to the current application for signs. The impact on the town centre vitality and viability from the proposed development was considered at the time the application for the retail units on this site were approved.

6.2 **Impact on visual amenity**

- 6.2.2 The application as amended proposes 3 advertisement billboards of 2.1m by 4.1m attached to the store all externally illuminated and 1 free standing billboard of 3.25m by 6.3m within the car park. The application seeks consent for a time period of 5 years.
- 6.2.3 Of the three adverts boards proposed attached to the building two are along the

rear (west) elevation and one is on the front (east) elevation, all are to be externally illuminated. The freestanding billboard is proposed to be located on the northern edge of the application site. All of the advert boards and the billboard would be used for hanging short term advertisement and the application is for the frames and structures rather than the adverts to be hung on them.

6.2.4 On the basis of the original submission the town council objected on the grounds of visual appearance and impact and also consider that the signage is not suitable given the proximity to the cemetery. The scheme was therefore amended to remove one of the boards from the west elevation and reduce the size of the east elevation board.

6.2.5 The concerns of the Town Council are noted, however it is officer's opinion that advert boards proposed attached to the food store are considered to be suitable for the size and location of the building and are standard advertisements for the occupier of this retail unit. The site sits within a wider area with other commercial uses and was approved as a retail area on a site which was previously occupied by a car sales garage. The proposed advertisement boards on the building are not considered to be significantly harmful to the character of the area or the setting of the cemetery and the building on the entrance to the cemetery. Furthermore, it is considered that the amount and level of illumination proposed will not be detrimental to visual amenity.

6.2.7 However, the free standing billboard is considered to be large and obtrusive and would be prominent on the street scene. The board projects above the wall against which it is located and from the junction of Victoria Road and the B5479 the board appears to be high on the skyline with the buildings behind being of a similar height. The scale of this advertisement is considered to be harmful to the visual amenity of the immediate area and wider street scene and is therefore not considered to be acceptable when considered against the relevant considerations for advertisement consent Core Strategy policy CS6 and SAMDev policy MD2.

### 6.3 **Affect on public safety**

6.3.1 As with character of area the Town Council comments are noted, however the advice of the Council Highway Consultant is that the proposed advertisements will not pose a safety risk to pedestrians or road users as they are not positioned where they would interfere with the normal activities of members of the public, or likely to be distracting to motorists.

### 7.0 **CONCLUSION**

7.1 The proposed signage attached to the building is deemed to be acceptable in terms of its siting, scale, design and materials and is considered to accord with the relevant policy criteria as set down within the NPPF and Core Strategy Policy CS6 and is therefore recommended for approval.

7.2 However the free standing advertisement is not considered to be acceptable when considered against the relevant considerations for advertisement consent Core Strategy policy CS6 and SAMDev policy MD2 as this advertisement board is considered to be of a scale which is visually harmful and prominent on the skyline and street scene.

## 8.0 **Risk Assessment and Opportunities Appraisal**

### 8.1 **Risk Management**

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### 8.2 **Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

### 9.0 **Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

### Relevant planning history:

16/02925/AMP Non-material amendment attached to planning permission 14/05635/FUL -

Minor revision to proposed elevations GRANT 6th July 2016

16/02137/ADV Erect and display one branded totem sign to site entrance off Victoria Road and two proposed fascia signs to north east and south east elevation of store GRANT 5th July 2016

14/05635/FUL Erection of A1 retail store and 3 no. retail units, car parking areas, services and new vehicular access following demolition of all existing buildings GRANT 30th September 2015

OS/09/15868/OUT Erection of food only retail store (Use Class A1) with associated decked car parking areas, provision of new roundabout, vehicular access to site and new access to cemetery, landscaping provision. All after demolition of existing buildings REFUSE 11th

OS/07/15026/ADV Provision of illuminated fascia signs, entrance panel and pylon sign GRANT 19th July 2007

OS/05/13836/ADV Provision of illuminated and non-illuminated signage GRANT 10th August 2005

OS/05/13732/FUL Proposed new cladding to elevations GRANT 29th April 2005

OS/04/13306/ADV Provision of illuminated fascia signs and pylon sign GRANT 17th September 2004

OS/03/12988/FUL Change of use from DIY/garden centre retail to car showroom GRANT 25th March 2004

OS/03/12512/FUL Removal of temporary building and erection of new building for vehicle sales GRANT 14th May 2003

OS/00/11014/FUL Change of use of land and Extension to body repair workshop GRANT 5th June 2000

OS/98/10450/ADV Provision of gantry signs, fascia signs and pylon sign GRANT 16th December 1998

OS/98/10314/ADV Provision of replacement signs GRANT 13th August 1998

OS/96/09632/FUL Extension to existing body shop GRANT 17th December 1996

OS/95/9212/ADV Provision of internally illuminated signs and pylons GRANT 10th December 1975

OS/92/9212 Provision of illuminated signs and pylons GRANT 14th December 1995

OS/91/7557 Erection of car wash screen GRANT 6th November 1991

OS/91/7442 Illuminated canopy and shop fascia signs, pole sign and secondary signs GRANT 31st July 1991

OS/91/7662/FUL Demolish existing office, convert stores to reporting office and construction of vehicle park on shaded area GRANT 26th February 1992  
OS/89/6357 Demolition of existing workshops and forecourt canopy and construction of new forecourt canopy, shop and car wash

with provision of new petrol pumps and installation of additional petrol tanks GRANT 15th September 1989

OS/88/5501 Extension for a new body shop GRANT 17th May 1988

OS/86/4791/FUL Change of use to a garden centre with retail sales of DIY products and furniture and associated products GRANT 13th February 1987

OS/87/5074/ADV Display of a non-illuminated logo sign on the front elevation GRANT 31st July 1987

OS/86/4541/FUL Change of use to a garden centre with retail sales of DIY products and furniture and associated products. REFUSE 7th July 1986

OS/85/4087/ADV Display internally illuminated fascia sign and free standing pylon sign GRANT 9th May 1985

OS/84/3791 Change of use - building and land to car sales, workshop etc. GRANT 20th August 1984

OS/78/8813/FUL Erection of a balcony to first floor living accommodation GRANT 13th September 1978

OS/78/8601 Petrol pump canopy, petrol tank and change of use of part of garage to shop GRANT 19th June 1978

OS/75/6621/FUL Conversion of offices to living accommodation GRANT 10th December 1975

OS/75/6295/FUL Erection of an extension to existing shop premises GRANT 30th July 1975

OS/75/6675/FUL Erection of a building to house central heating unit GRANT 14th April 1976

OS/74/5128 Office block, self service shop and vehicular access GRANT 2nd October 1974

OS/74/126 Erect a building for manufacturing steel framed buildings GRANT 10th July 1974

OS/74/5255 Alterations to existing access GRANT 12th June 1974

OS/A/2134 Repositioning existing sign GRANT 31st March 1965

OS/A/2135 Illuminated sign GRANT 31st March 1965

OS/64/2253 Erect private garages, office and store GRANT 30th September 1964

OS/17149 Installation of milk vending machine GRANT 3rd February 1959

OS/A/1100 Illuminated advertisement GRANT 30th September 1958

OS/A/825 Illuminated forecourt sign GRANT 30th April 1957

OS/10821 Temporary - steel framed garage GRANT 2nd August 1955

OS/10270 Additions and erect showroom and lock-up garages GRANT 3rd May 1955

OS/A/518 Illuminated forecourt sign GRANT 29th March 1954

OS/8398 Resiting existing petrol pump, erect 3 new pumps and attendant kiosk and alter existing access GRANT 29th March 1954

OS/7938 O/a install petrol pumps and erect repair garage office GRANT 21st November 1953

### Appeal

11/01872/REF Erection of food only retail store (Use Class A1) with associated decked car parking areas, provision of new roundabout, vehicular access to site and new access to cemetery, landscaping provision. All after demolition of existing buildings DISMIS 6th March 2012

## **11. ADDITIONAL INFORMATION**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member  
Cllr Duncan Kerr

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 1

### Reason for refusal:

*The proposed free standing billboard advertisement is not considered to be acceptable when considered against the relevant considerations for advertisement consent Core Strategy policy CS6 and SAMDev policy MD2 as this advertisement board is considered to be of a scale which is visually harmful and prominent on the skyline and street scene.*

### Conditions

#### STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: The above conditions numbered 1-5 are standard conditions under the Town and Country Planning (Control of Advertisements) Regulations 2007.

7. This express consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with paragraph 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of amenity.