HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISMENTS) (ENGLAND) REGULATIONS 2007

Hinckley & Bosworth Borough Council

A Borough to be proud of

STATEMENT ON BEHALF OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL

APPEAL BY TESCO STORES LTD AGAINST THE REFUSAL OF ADVERT CONSENT FOR A FASCIA SIGN ON THE SOUTHERN ELEVATION 1 HAWLEY ROAD, HINCKLEY, LE10 0PR

HBBC REFERENCE 08/01055/ADV

THE PLANNING INSPECTORATE REFERENCE APP/K2420/H/09/2096361

FEBURARY 2009

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1. The proposal

This proposal is for the display of 28 various advertisement signs located within the site boundaries of Tesco Supermarket, Hawley Road, Hinckley. 27 were approved and one, on the southern elevation of the building, was refused and is the subject of the appeal.

2. The Appeal site and its location

The appeal site relates to Tesco Supermarket on Hawley Road, Hinckley. The site encompasses the supermarket premises, an automated petrol filling station, a free-standing ATM and car park.

Vehicular access to the appeal site is provided off Hawley Road on the northern site entrance with the store's entrance facing toward the site access. The store's delivery area lies to the east of the site, store car park to the west and petrol filling station on the northern site boundary, slightly east of the site access.

The immediate vicinity of the appeal site is of mixed character with a variety of uses. Hinckley train station and car park stand on the south eastern corner of the site with the railway line running parallel to the southern site boundary. Residential properties, a recreation ground, Bowling Green and pavilion back onto the southern side of the railway line with the rear gardens of the residential properties facing the stores southern elevation. A large area of derelict land lays to the east of the site, anticipated as residential, employment, commercial and retail uses, as proposed in the Hinckley Town Centre Area Action Plan Submission Document October 2008. A health centre and flats lie to the north east of the site with a public house and a variety of commercial uses to the north. Derelict land, a car wash and supermarket stand to the west.

Rugby Road (B4109) located approximately 250 metres west of the appeal site is an important approach road into Hinckley from Burbage. This road has a steep gradient sloping down towards Hawley Road and the southern façade of the Tesco supermarket is extremely prominent on this approach.

3. Relevant Planning History-

Advertisement consent was granted in 2000 and 2002 for fascia signs for the previous Somerfield supermarket on-site.

08/00962/FUL- Refurbishment and External Works- approved- 09/12/2008
This application relates to works to form a new Tesco supermarket to which the following advertisement applications relate.

08/00975/ADV- Various store and Car park signs- approved- 20/11/2008

08/01055/ADV- Erection of various advertisements- split decision- 09/12/2008

Consent was sought for 28 Signs located on and adjacent to the petrol station, the ATM surround, the car park, the northern site boundary, northern and southern elevations of the supermarket. All were given consent with the exception of the 'Open 24 hour' sign on the southern elevation. The refusal of this 24 hour sign is the decision to which this appeal relates.

08/01132/ADV- Erection of two car park signs- approved -15/01/2009

4. Relevant Planning Policies

Policy BE1 of the adopted Hinckley & Bosworth Local Plan states the Borough Council will seek to safeguard and enhance the existing environment and will grant planning permission where development;

"Complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features"

Planning Policy Guidance 19: Outdoor Advertisement Control states that in assessing an advertisements impact on amenity, local planning authorities should consider the effect of the proposal "*on the appearance of the building or on visual amenity in the immediate neighbourhood.... and will therefore consider what impact of the advertisement, including it's cumulative effect, will have on its surroundings.*"

Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states a Local Authority has the power to control advertisements in the interest of 'amenity' and 'public safety' and that local authorities "*should also take into account any relevant provisions in the development plan in so far as they relate to amenity and public safety issues.*"

5. Decision of Local Authority

The advertisement application, reference 08/01055/ADV, was determined on 9th December 2008 as a split decision with consent given to 27 signs located on and adjacent to the on-site petrol station, the ATM surround, the car park, northern site boundary and the northern supermarket elevation.
Advertisement consent was refused for the 'Open 24 hour' fascia sign on the southern elevation of the supermarket.
The fascia sign on the southern elevation was refused for the following reasons:

"In the opinion of the Local Planning Authority this additional large sign represents an unnecessary and unacceptable proliferation of advertising material on a building façade which faces a recreation site and housing, to be detrimental to visual amenity and not in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan, Circular 03/2007 or Planning Policy Guidance 19. "

6. Statement of Case

The local planning authority considers the siting and scale of the sign on the southern elevation to contravene Local Plan Policy BE1, paragraph A in that it does not complement or enhance the character of the area.

The appellant states the southern elevation overlooks the railway line, recreation ground and Bowling Green with a number of residential properties in this direction. The appellant fails to identify the views of the sign from Rugby Road, which is the approach road into Hinckley from Burbage and the Motorway. Rugby Road presents a steep rising northward slope and the southern Tesco sign can be clearly seen on the approach to Hinckley both in a vehicle and as a pedestrian (see photos 1-4, Appendix A).

The site is located on the very edge of the urban town centre, where town centre uses are merging with the surrounding residential uses and services, such as the railway line, that support both the urban town centre and the outlying residential areas. The local planning authority is striving to improve the quality of this environment and to this end is trying to adequately address all of the competing demands of land use whilst maintaining a positive and attractive environment with attractive visual amenity.

It is the opinion of the local planning authority that the advertisement, by way of its dominant siting within the wider urban fabric and the contribution this advertisement has on the character of the surrounding area results in a significant detriment to visual amenity. Furthermore, the signage is considered an inappropriate addition to the existing approved signage at the site which results in a proliferation of advertisements. This proliferation is equally harmful to the character of the area and is harmful to visual amenity.

The Local Planning Authority recognises the need for businesses to advertise and to this end has been particularly forthcoming in granting consent for a substantial number of signs for this rebranded supermarket (see photo 8, Appendix A). The active frontages to the development are entirely towards the north and east and this is where the majority of the advertisements have been approved. The only consented sign on the southern façade of the building replaced a similar example displayed by the former occupiers of the site and is considered entirely adequate to announce the presence of the store from this direction.

Overall this large additional commercial sign on the southern elevation facing a predominately residential area impacts negatively on the character of this area and in this way is contrary to Local Plan Policy BE1. The local authority recognises the need for advertising however this sign when considered cumulatively with other signage on-site constitutes an over proliferation of unnecessary signage.

The Borough Council requests the inspector upholds the decision of the Local Planning Authority and dismisses the appeal. If the inspector is minded to

grant consent for the display of the advertisement the Borough Council requests that the standard advertisement conditions should apply.

Appendix A

Appendix A illustrates the sign to which the appeal relates from various points highlighted in Appendix B.

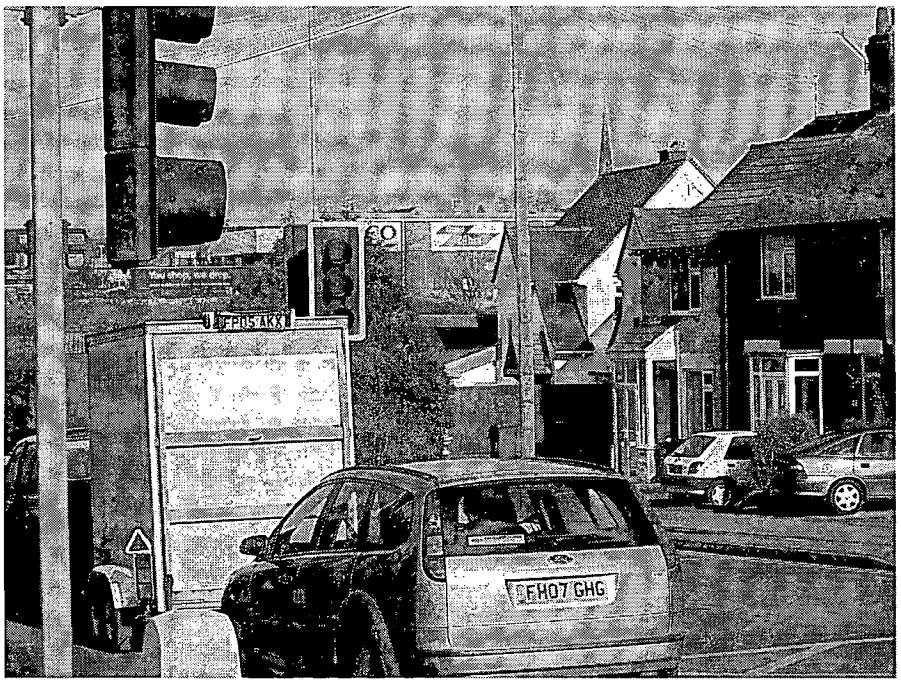
Photograph 1- Southern Elevation



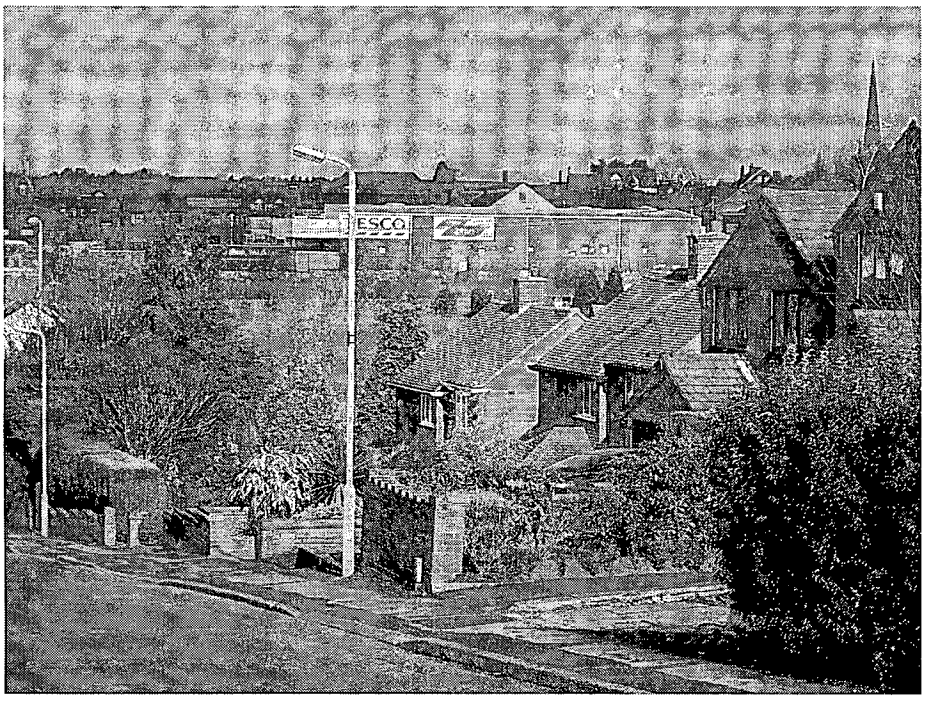
Photograph 2- Southern Elevation



Photograph 3- Southern Elevation



Photograph 4- Southern Elevation



Photograph 5- Southern Elevation



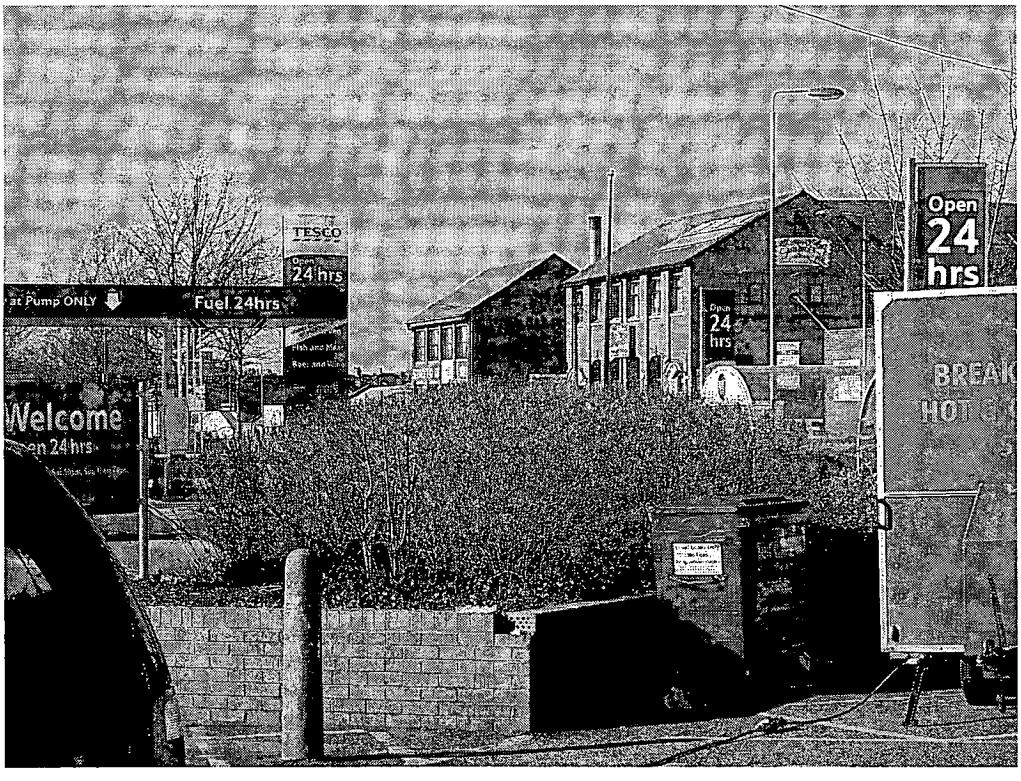
Photograph 6- Southern Elevation



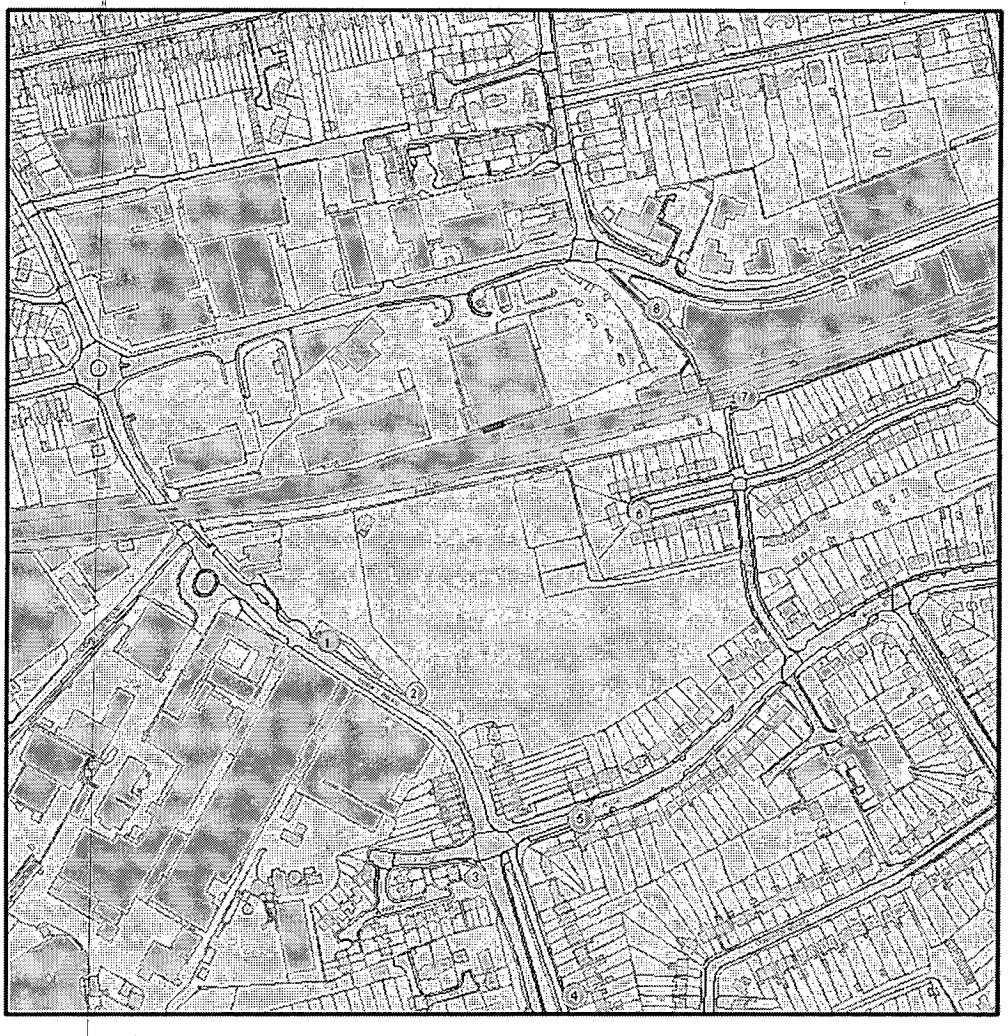
Photograph 7- Southern Elevation



Photograph 8- Front Site Boundary



Appendix B



Tesco, Hawley Road

Rugby Road
1,2,3,4

Brookside
5

West Close
6

Railway Bridge
7

Station Yard
8

1:3,500

Legend

Location of Sign

Tesco Building

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