

Appeal Decision

Site visit made on 4 June 2019

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th June 2019

Appeal Ref: APP/X1735/Z/19/3221094

Lidl, Manor Road, Hayling Island PO11 0QW

- 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 Lidl UK against the decision of Havant Borough Council.
 - The application Ref APP/18/01050, dated 14 September 2018, was refused by notice dated 6 December 2018.
 - The advertisement proposed is a double-sided internally illuminated Lidl flag style sign.
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Decision

1. The appeal is allowed and consent for a double-sided internally illuminated Lidl flag style sign is granted. 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 conditions:
 1. The proposed sign shall be erected in accordance with the details shown on Drawings JPW0874-001 and JPW0874-002;
 2. The intensity of the illumination of the sign permitted by this consent shall be no greater than 580 cd/m²; and
 3. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Main Issue

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

Reasons

3. The appeal site is due south west of the roundabout junction of Manor Road with Church Road and comprises a newly erected supermarket set within a semi-rural location, which is characterised by high levels of mature and semi-mature trees and hedging.
 4. There is a degree of street furniture within the locality comprising lamp columns within the site and within the Public Highway, as well as highway signage. The supermarket also has signage on the building which has the benefit of express consent. Furthermore, pursuant to appeal Ref. APP/X1735/Z/18/3209843 which was allowed by my colleague in March of this year, the site also has the benefit of express consent for a totem sign of a similar height and overall width to the proposal before me. The key difference between the extant scheme and
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the current appeal proposal is that the latter would be of a flag-pole type design and therefore overall would appear lighter in weight. As acknowledged within the Officer report on the application, the new style sign would allow views under it, unlike the totems which are solid right down to ground level.

5. The Council's report also states that the appeal site is in a sensitive location which currently has no commercial signage. However, it fails to acknowledge the presence of the supermarket building and the signage attached thereto, notwithstanding that the second half of paragraph 7.2 of the Officer report acknowledges that they were permitted and are now in situ, being an appropriate form of advertisements for the site which are clearly visible for users of the surrounding highway network.
6. As was found by my colleague in the preceding appeal, the Council has given insufficient weight to the fundamental changes to the landscape that has occurred with the implementation of the approval for the supermarket building and associated works. I acknowledge that the sign would be internally illuminated and would have the Lidl logo on both the eastern and western sides of its upper section; being of a similar height to that of the roof on the northern elevation of the food store. However, the presence of the extant consent is a material consideration that must be given substantial weight in the determination of this appeal and ultimately I consider that the proposal before me, being lighter weight in appearance, would have a lesser impact upon the visual amenities of the area.
7. Further, I consider that the sign would not be out of place within this urban fringe location and would not be an unexpected incidence within the street scene, to be erected within the premises which it seeks to advertise. In addition, it is not for the Council or indeed myself to ascertain the need or otherwise for the sign. All in all I consider that the proposal would not have a harmful effect upon the amenity of the area subject to conditions requiring that the consent is erected and retained in accordance with the submitted drawings, whilst ensuring controls over when it is illuminated.
8. The Regulations require that decisions are made only in the interests of amenity and/or public safety and therefore are not bound by Section 38 (6) of the Planning and Compulsory Purchase Act 2004. However the Council has drawn to my attention Policy DM21 of the Havant Local Borough Local Plan (Allocations) 2014 which is concerned with proposals for shop front signs, security shutters and advertisements. Therefore, whilst not a determining factor in this appeal, I consider that there would be no conflict in principle between the appeal proposal and this policy, as the scheme would be appropriate in size, scale and design to the character of the surroundings and would not result in a cluttered appearance within the street scene. Further, the scheme would not have a detrimental impact upon public safety and I find no conflict between the proposal and paragraph 132 of the National Planning Policy Framework.

Conclusion and Conditions

9. Concerning conditions, the Council has not suggested that any additional conditions be imposed however, in the interests of consistency with the appeal decision of my colleague and to ensure compliance with the submitted details as set out within the application form and drawings, as explained above, I have also imposed conditions to require the sign to be erected in accordance with the approved details, to limit the intensity of the illumination and to restrict the

times when it is illuminated to the store's opening hours, in order to protect the amenity of the area.

10. Having regard to the above and all other matters raised, I conclude that the appeal should succeed.

C J Tivey

INSPECTOR