



Appeal Decision

Site visit made on 4 February 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 18th March 2019

Appeal Ref: APP/X1735/Z/18/3209843

Lidl, Land south of Manor Road, Hayling Island, Hants PO11 0QS

- 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/18/00457, dated 1 May 2018, was refused by notice dated 28 June 2018.
 - The advertisement proposed is an internally illuminated Lidl totem sign.
-

Decision

1. The appeal is allowed and consent for the display of the internally illuminated Lidl totem sign as applied for 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: (i) The proposed totem sign shall be erected in accordance with the dimensions and other details shown on Drawing No. 3671-11 Rev. B; (ii) The intensity of the illumination of the totem sign permitted by this consent shall be no greater than 600 candela per square metre; (iii) The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Preliminary Matter

2. The appeal arises from the Council's refusal of the totem sign as part of a split decision in which the Council also granted advertisement consent for four other signs at the recently developed and now open Lidl store.

Main Issue

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

Reasons

4. In an email dated 12 June 2018 from the appellant's agent to the case officer an amendment to the application was sought by the submission of an amended plan, Ref. 3671-11 Rev. B. This has the effect of reducing the size of the totem sign from a height of 7.5m to 6m and its width from almost 2.7m to 2.1m. In all other respects the sign remains the same including its internal illumination.
5. However, the Council declined to process this amendment and the application as initially submitted was determined on 28 June. This was in the form of a split decision that included a refusal of advertisement consent for the totem sign on the basis of Drawing No. Ref. 3671-11 Rev. A with its larger dimensions.

6. In this regard I note that the planning officer's report in support of the Council's decision states in paragraph 7.4:

'It is noted that the applicant, following feedback from the Local Planning Authority, sought to address the concerns raised. However, these amended plans did not fundamentally alter or address the issues outlined by the LPA, through the slight reduction in size. Furthermore, these amended plans have not been subject to public consultation, and as such have not been considered as part of this application'.

7. In my view, given that the applicant sought to make a formal amendment to the proposal in an effort to make it more acceptable in response to the concerns of the Council and others, the Council was procedurally in error and indeed unreasonable in failing to formally register an amendment to the scheme and carrying out such further public consultation as it thought fit.
8. In these circumstances I consider it appropriate to accept Drawing No. 3671-11 Rev. B as an amended plan for the purposes of the appeal. I do not consider that this would be unfair to consultees who objected to the original size of the sign, as it would by definition be an improvement on the original through its reduced size and with no other differences. I recognise that consultees may well agree with the Council's view that the proposed size reduction is insufficient, but with the appeal having been lodged this is now a matter for my judgement, taking into account the objections made.
9. In support of its refusal the Council argues that it is inappropriate in this location 'on the urban edge area' for an advertisement of the nature and scale of the proposed totem. Reference is made to the application site's location within Landscape Character Area 31: 'Central Hayling Plain' of the Council's Character Assessment Statement. The site is regarded as being 'sensitive' and prior to the erection of the Lidl store there was no commercial signage in the immediate area, other than highway directional signage. The site and its surroundings were considered to be largely defined by residential properties, together with the Oven Campsite to the southwest.
10. However, whilst I acknowledge that applications for advertisement consent are dealt with separately from the main planning process and on a different statutory basis, I consider that the Council has given insufficient weight to the fundamental change to the landscape that has occurred with the implementation of the approval for the store building, its associated car park and access. Furthermore, to a considerable extent applications for such retail outlets come as a 'package' with a strong element of consistency of design and corporate branding, a matter in respect of which I consider the Council would have been aware.
11. This is not to say that an application should not be considered on its individual merits and that these include the material considerations arising from both the opportunities and constraints of any particular location. However, a totem sign at the entrance to the site, and one that for all major retailers essentially follows the standard design of combining the corporate logo with customer information, is in principle an entirely reasonable proposal and one that would be expected to be seen by customers and passers-by alike.
12. With its position adjoining the customer vehicular access to the store the totem sign increases the overall 'legibility' of the development, particularly by giving

advance notice of the location of the customer access. In this prime position it has to be a sign that has a premier status compared to other signage.

13. With that said, I also acknowledge that its proposed height and width are important considerations in the totem's sign's acceptability as regards its effect on visual amenity. In this case, I agree with the Council's view that its originally proposed size of 7.5m height and almost 2.7m width would be excessive having regard to the partly rural character of the area and the immediate and wider context of the overall site as now developed.
14. However, the amended plan reduces these dimensions by 1.5m and 0.6m respectively and I do not agree with the Council's view that these reductions would be 'slight' and therefore not worthy of consideration. I accept the appellant's argument that with a height 0.7m lower than the maximum height of the store, the totem sign would be proportionate to the building and the site as a whole. It would be read with the building and its car park and longer distance views would be restricted by mature trees serving as an effective screen. Furthermore, I consider that a noticeably smaller sign than the one now proposed would be incongruous for a totem sign at the access to the store, whilst it would also be too small to effectively communicate the written information that it includes.
15. Overall, I conclude on the main issue that the proposed totem sign would not harm the amenity of the area. I have taken into account of Policy DM21 of the Havant Borough Local Plan (Allocations) 2014 which seeks to ensure that development proposals including advertisements are not detrimental to visual amenity and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy or with the first sentence of paragraph 132 of the National Planning Policy Framework 2018.
16. In allowing the appeal I shall impose three conditions in addition to the five standard conditions. Conditions requiring the sign to be erected in accordance with the amended plan; to limit the intensity of the illumination, and to restrict the times it is illuminated to the store's opening hours will all serve to safeguard the amenity of the site and its surroundings.

Martin Andrews

INSPECTOR