
Appeal Decision

Site visit made on 4 September 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: **1st December 2020.**

Appeal Ref: APP/D1265/Z/20/3251444

Lidl, 2 Hamm Beach Road, Osprey Quay, Portland DT5 1DX

- 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 Ms Rachel Brady-Hooper (Lidl Great Britain Limited) against the decision of Dorset Council.
 - The application Ref WP/19/00550/ADV, dated 3 July 2019, was refused by notice dated 19 March 2020.
 - The advertisement proposed is 1no. Flag Pole.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1no. Flag Pole as applied for. 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 sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.
 - 2) The intensity of the illumination of the sign permitted by this consent shall be no greater than 440 candela per square metre.

Procedural Matters

2. At my site visit I saw that the advertisement was in place and appeared to accord with the submitted plans. I have therefore considered the appeal on the basis that the advertisement is already being displayed.

Main Issue

3. The main issue is the effect of the advertisement on amenity, with particular regard to the character and appearance of the area and the adjacent Dorset and East Devon Coast World Heritage Site (WHS).

Reasons

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') set out in Regulation 3(1) that, "A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors." Regulation 2 explains that amenity includes aural and visual amenity, and Regulation 3.2 states that factors relevant to amenity include:

- the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
5. Paragraph 132 of the National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
 6. The appeal site is on the edge of an area of relatively recent commercial development which includes the Lidl store to which the sign relates, Weymouth and Portland National Sailing Academy and several other commercial premises. On the opposite side of Portland Beach Road from the site is Chesil Beach, an very substantial expanse of shingle rising to a significant height above road level. Chesil Beach is part of the WHS, a designated heritage asset of the highest significance, and is also designated as a Site of National Importance for Nature Conservation, a Site of International Importance for Nature Conservation, and Land of Local Landscape Importance. As such, the site is in a sensitive location. Nevertheless, Portland Beach Road creates a distinct physical and visual separation between the very different natures of the beach on one side and the commercial development on the other.
 7. Due to its position and height, the sign is visible from some distance approaching along Portland Beach Road and from Chesil Beach. It is not however unusual to have a 'flag' or totem style sign on the edge of a retail site where visible to those approaching, combining the corporate logo with customer information. Therefore, it is something that customers and passers-by might expect to see near a supermarket. Furthermore, in these views it is seen against the backdrop of the supermarket and other commercial buildings, their signage, and various other large signs around the roundabout. As such, during the day the sign is not a prominent or intrusive feature in these views.
 8. From Hamm Beach Road and the supermarket car park, the sign projects above the adjacent bund and is seen against the backdrop of the beach. Chesil Beach is a very substantial linear landmark which dominates views for a considerable distance. Although it is 6 metres high, the sign is nevertheless relatively small in relation to the scale of the beach, and is seen together with the backs of several signs around the roundabout and various other vertical features, including numerous streetlights and traffic signs. Consequently, during daylight hours, it is not a prominent feature in views towards the beach and has very little impact on this landscape feature.
 9. The sign therefore has no material impact on the outstanding universal value (OUV) of the WHS, which relates to its globally significant geological and geomorphological features, range of outstanding examples of coastal geomorphological features, landforms and processes, and its contribution to earth science investigations. Nor does it adversely affect the immediate setting of the WHS or its attributes or integrity. Furthermore, there is no substantive evidence before me that it has any material impact on the nature designations of the beach.
 10. Outside daylight hours, but while the supermarket is open for business, the sign is seen in the context of the lighting and other signage of the store,

creating a clear visual association despite its siting on the edge of the car park. As such, it does not have a significant visual impact during these times.

11. Beyond those hours however, there is no evidence before me that any other signage in the area is illuminated. Consequently, with its bright colours and distinctive logo, the sign would have a very different impact to the illumination offered by the streetlights, and would appear isolated and visually intrusive in this sensitive landscape. Therefore, illumination of the sign while the supermarket is closed would result in some harm to the character and appearance of the area. This could be addressed by a condition limiting the hours of illumination, which would be consistent with conditions on the existing supermarket signage.
12. The moderate degree of illumination proposed is not comparable to the much brighter lighting of the streetlights, and as such does not materially harm the visual quality of the night sky. Any brighter illumination would make the sign more prominent and harm the character and appearance of the area, however this could be prevented by a condition to limit the degree of luminance.
13. Accordingly, the sign would not have an adverse effect on amenity, the character and appearance of the area or the WHS. In reaching this conclusion I have taken into account Policies ENV1, ENV14 and ENV16 of the West Dorset, Weymouth and Portland Local Plan, the WHS Management Plan and the policies of the Framework. These seek to achieve high quality design in the interests of amenity, protect the exceptional landscapes and geological interest of the area and minimise potential light pollution and so are material in this case. Given that I have concluded that the sign does not harm amenity, I find no conflict with these policies.
14. While I note the Council's concerns that another sign is not necessary for the supermarket, the Planning Practice Guidance sets out that unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading, unnecessary or offensive to public morals. As I have found that the sign does not harm amenity, the need for the sign is not a matter to which I can have regard.

Conclusion

15. For the reasons above, the appeal is allowed subject to the conditions set out above and the five standard conditions.

L McKay

INSPECTOR