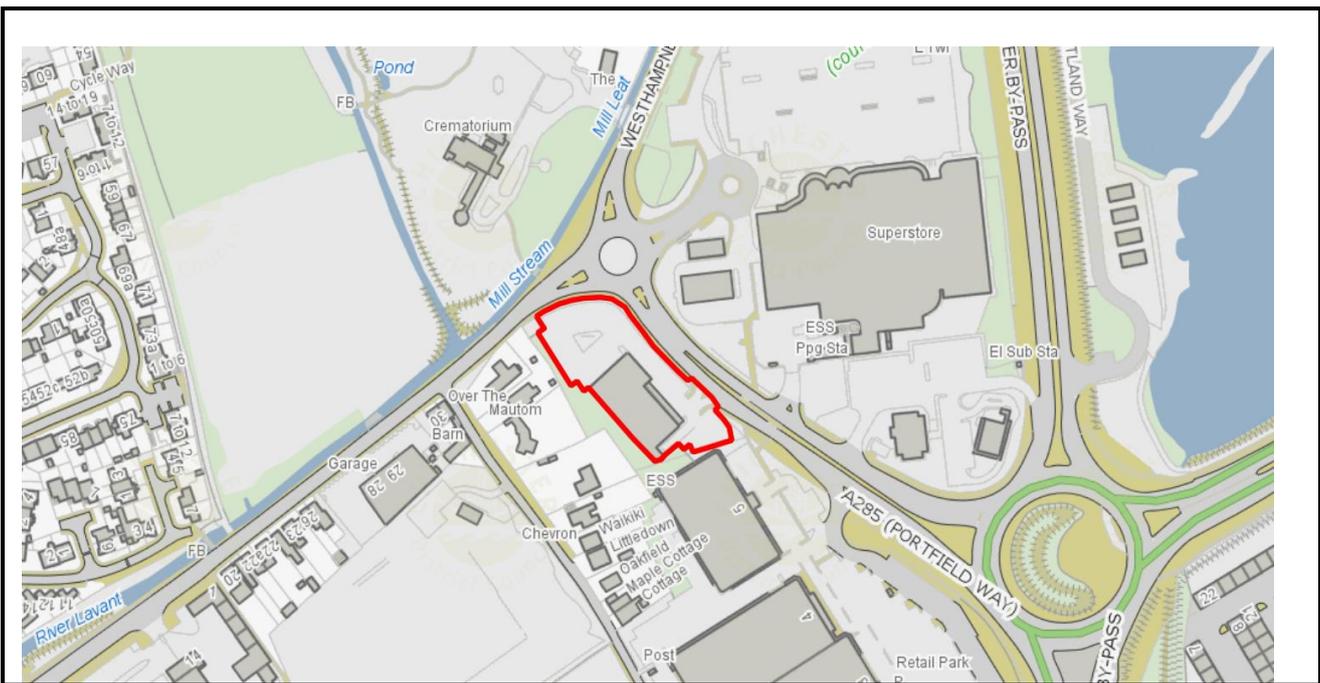


Parish: Chichester	Ward: Chichester East
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**CC/20/00467/ADV**

<b>Proposal</b>	3 no. internally illuminated fascia signs, 1 no. non-illuminated dibond panel, 2 no. non-illuminated directional signs and window graphics.		
<b>Site</b>	Lidl, Portfield Way, Chichester, PO19 7YH.		
<b>Map Ref</b>	(E) 487526 (N) 105531		
<b>Applicant</b>	Mrs Jane Mitchell	<b>Agent</b>	Mr Graeme Dominy

**RECOMMENDATION FOR SPLIT DECISION: PERMIT SIGNS 2, 2A, 3, 4, 5, 6, 7, 8, 9 and REFUSE SIGN 1**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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## **1.0 Reason for Committee Referral**

City Council Objection - Officer recommends split decision.

## **2.0 Site and Surroundings**

- 2.1 The site previously comprised the Lidl food store and its associated 96 space customer car park, located off the A285 Portfield Way and a short distance from its roundabout junction with the A27 Chichester By-Pass on the eastern side of the city. The site is situated adjacent to a large retail park within the Settlement Boundary of Chichester. Lidl have now vacated the existing store and have moved to the new, larger store on the Barnfield Drive Retail Park.
- 2.2 Planning permission (ref.19/01727/FUL) was granted in September 2019 for change of use of the application site from Class A1 to Class D2 (Gym). It is noted that the gym would be open 24 hours a day, 7 days a week. The proposed signage would therefore be associated with the new business.
- 2.3 The character of the surrounding area is predominantly commercial, comprising large shops, supermarkets and restaurants. However, there is some residential development, which is not readily visible from the fronting dual carriageway, along Church Road behind the wide well established tree belt at the rear of the store. A slim grass verge separates the customer car park to the front of the Lidl store from the pavement. Previously a 5.3m high blue, red and yellow flag pole sign advertising the store was situated on the grass verge to the immediate north of the car park entrance (this sign has since been removed). The application site is located within the Chichester Business Improvement Area.

## **3.0 The Proposal**

- 3.1 The application seeks advertisement consent for the display of 3 no. internally illuminated fascia signs, 1 no. non-illuminated dibond panel, 2 no. non-illuminated directional signs and window graphics. For simplicity, the details of the signs are outlined below:

1) Illuminated LED static display fascia sign, internally illuminated to 400cd/m<sup>2</sup>. The sign would replace the existing internally illuminated sign and would be located on the north-east gable of the building, above the main entrance facing Portfield Way. The sign would measure approx. 2.6m in height, 5.5m in width, 0.2m in depth and would be positioned 3m above ground floor level. The sign would be constructed from aluminium and would be finished in light blue with white and dark blue lettering, which would detail 'the gym' (company logo) with the company website detailed below.

2) Illuminated LED static display fascia sign, internally illuminated to 400cd/m<sup>2</sup>. The sign would replace the existing internally illuminated sign and would be mounted at the south-western end of the north-western elevation of the building, facing Westhampnett Road. The sign would measure approx. 1.7m in height, 1.9m in width, 0.2m in depth and would be positioned 0.4m above ground floor level. The sign would be constructed from aluminium and fabric and would be finished in light blue with white and dark blue lettering, which would detail 'the gym' (company logo) with the company website below.

2a) Non-illuminated dibond panel sign with applied digitally printed laminated graphic. The sign would measure 1.8m in height and 4m in width and would be screwfixed to the north-east elevation wall, facing Portfield Way. The sign would advertise the gym.

3) Illuminated LED static display fascia sign, internally illuminated to 400cd/m<sup>2</sup>. The sign would be located below the north-east gable of the building, above the main entrance facing Portfield Way. The sign would measure approx. 0.6m in height, 3.3m in width, 0.2m in depth and would be located 2m above ground floor level. The sign would be constructed from aluminium and fabric and would be finished in light blue with white and dark blue lettering, which would detail the gym's website address.

4) Externally applied vinyl graphic to the main entrance (north-east elevation) detailing the membership fee ('Pricing Roundel').

5) Externally applied frosted vinyl graphic, comprising small dots across the glazed main entrance (north-east elevation).

6) Externally applied vinyl graphic to the north-west elevation of the building, comprising coloured circles with white writing advertising the gym.

7) Externally applied frosted vinyl graphic to the north-west elevation, comprising small dots across the glazing to the north-west elevation.

8) Externally applied grey and frosted vinyl to block out windows with gloss vinyl circles to the north-west elevation.

9) 2no. non-illuminated directional signs. These two signs would replace the existing signs and are located within the car park (fronting Westhampnett Road and Portfield Way). The signs would measure approx. 0.4m in height and 1.2m in width. The sign would be finished in white with light blue and dark blue lettering, featuring the company logo and a directional arrow.

3.2 Amended plans have been received during the course of the application and as such the description of development has been altered accordingly. The amendments are summarised below:

- Sign 1 has been reduced in size.
- Sign 2a has been reduced in size.
- Sign 3 has been reduced in size.
- Sign 10 (internally illuminated totem pole sign) has been removed from the scheme.
- The Agent has confirmed (email dated: 20.05.2020) that the illuminated signs would have a maximum luminance of 400cd/m<sup>2</sup>.

#### 4.0 **History**

94/01338/OUT	REF	Non-food retail warehousing.
94/02111/FUL	PER	Development of Class A1 Food Retail Store together with access and car parking.

95/02008/FUL	REF	Development of Class A1 Food Retail Store together with access and car parking - without compliance with highway conditions 7,8 and 11 on planning permission CC/94/02111/FUL insofar as commencement of building operations are concerned.
96/00427/ADV	REF	Hoarding-8 free standing advertising structures as elevation attached. Various-according to the details given. Appeal dismissed.
96/02418/FUL	PER	Construction of non-food retail unit and ancillary car parking and landscaping.
97/01897/FUL	PER	Variation of condition 4 attached to planning permission CC/96/02418/FUL.
99/00461/FUL	PER	Proposed food retail store with associated servicing and car parking.
99/02255/FUL	PER	3 bay entrance canopy in lieu of 2 bays, increase in building height by 295mm, window to south-west elevation, loading bay extension, change to car park layout (revisions to planning approval CC/99/00461/FUL).
99/02636/ADV	REF	3 No. internally illuminated fascia box signs, 2 No. internally illuminated gantry/pole signs. Appeal dismissed.
00/00254/FUL	PER	Installation of air condenser units adjacent to the south east elevation of existing building externally in delivery ramp area.
00/00255/FUL	PER	Installation of six openings in building elevation (south west) for ventilation grilles.
00/00407/FUL	PER	To change permitted Sunday trading hours from 10:00am to 4:00pm over to 11:00am to 5:00pm.
00/00455/ADV	REF	2 no. externally illuminated box signs and 2 no. externally illuminated post signs. Appeal dismissed.
00/00653/FUL	PER	To vary condition 24 of permission CC/99/00461/FUL to allow the illumination of external lighting outside of opening hours by one hour prior to opening and one hour after closing.

00/01988/ADV	REF	Blue and red illuminated flagpole sign. Appeal allowed.
00/01989/ADV	PER	One internally illuminated red/blue fascia sign.
03/02270/ADV	REF	Non-illuminated 2 no. hoarding signs. Appeal dismissed.
06/00288/FUL	PER106	External extensions to existing building, changes to elevations.
08/04227/ADV	REF	Bill board panel on north elevation.
15/03177/FUL	PER	Variation of Condition 3 of planning permission CC/00/00407/FUL - Opening Hours
17/00450/ADV	REF	1 no. internally illuminated freestanding totem sign.
19/01727/FUL	PER	Change of use of site from Class A1 retail to Class D2 gym with no operational development.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Chichester City Council

#### *Further comment*

The objection stands as the internal illumination is considered unsuitable. Should suitable external illumination be negotiated the objection would be overcome.

### *Original comment*

Chichester City Council would have significant concerns about the visual impact of the proposed signage on the character of the area. The extent of the signage is significant and the internal illumination is unacceptable. Due to the nature of the business and likely operating hours, the need for some illuminated signage is recognised, however the level and type of illumination proposed would be to the detriment of the character of the area. Any illuminated signage must be externally illuminated only, and at a suitable lux level.

#### 6.2 WSCC Highways

Refer to standing advice.

#### 6.3 Third Party Representations

One Third Party Letter of objection has been received from The Chichester Society which states:

*The Executive Committee considers that the proposal is visually unacceptable because of the size and brightness of the triangular internally illuminated gable sign advertising 'The Gym'.*

*Therefore the Committee ask that this application is refused permission, because it is excessively visually intrusive on this main access road to our historic city.'*

The Officer notes that the above objection relates to Sign 1 (before it had been amended).

### **7.0 Planning Policy**

#### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

#### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 10: Chichester City Development Principles

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage and Design

## National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
    - or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should also be given to paragraph 132 which relates specifically to the control of advertisements. The Advertisement section of the National Planning Practice Guidance has also been taken into account.

## Other Local Policy and Guidance

- 7.5 The Council has adopted a Guidance Note relating to advertisements, but this only concerns advertisements within designated Conservations Areas, and is therefore not relevant to consideration of this application.

## **8.0 Planning Comments**

- 8.1 The main considerations are:

- i) Principle of Development
- ii) Design and Impact upon Visual Amenity and Character of Area
- iii) Impact Upon Public Amenity and Safety

### i. Principle of Development

- 8.2 The application site is situated within the Settlement Boundary of Chichester, within which, as per Policy 2 of the Chichester Local Plan, there is a presumption in favour of sustainable development. Development should respect the setting, form and character of the settlement and ensure good accessibility to local services and facilities.
- 8.3 This application seeks advertisement consent for the display of signage to a lawfully existing business and as such the principle of this application is acceptable.

## ii. Design and Impact upon Visual Amenity and Character of Area

### *Sign 1*

- 8.4 The proposed fascia sign would seek to replace an existing sign which was previously consented under planning ref.00/01989/ADV, following a refusal and dismissed appeal (ref.99/02636/ADV & PINS ref.APP/L3815/H/00/0410). The existing sign is located on the north-east gable of the building, above the main entrance facing Portfield Way. The existing sign measures 1450mm by 1450mm. Under the previous appeal the Inspector considered that the sign's original size (1950mm by 1950mm) and prominence in this more elevated position, would be further emphasised by its bold colours and internal illumination and that it would appear rather cramped in the apex of the feature gable on the principal elevation. Furthermore, the Inspector considered that its display would create a 'top heavy' and overdominant feature, over the customer entrance spoiling the visual integrity and simple design of this restrained commercial building.
- 8.5 Paragraph 132 of the NPPF states that: *'The quality and character of places can suffer when advertisements are poorly sited and designed.'*
- 8.6 The proposed illuminated LED static display fascia sign would measure approx. 2.6m in height, 5.5m in width, 0.2m in depth and would be located 3m above ground floor level. The sign would be constructed from aluminium and would be finished in light blue with white and dark blue lettering, which would detail 'the gym' (company logo) with the company website detailed below. The submitted application form states that the sign would be internally illuminated to 4000cd/m<sup>2</sup>. However, the agent has confirmed during the course of the application that 400cd/m<sup>2</sup> is more accurate (email dated: 20.05.2020).
- 8.7 Sign 1 has been reduced in size during the course of the application; it was previously proposed to measure 3.8m in height and 21m in width, and would have enveloped the entire north-east apex of the prominent gable feature. The sign has been reduced in area by approx. 25.7m<sup>2</sup>. Whilst it is acknowledged that Sign 1 has been reduced in size, it is still significantly larger, when compared to both the previously consented sign and the dismissed appeal sign (see paragraph 8.4 above). Due to its scale and siting the sign does not fit comfortably within the apex gable on the principal elevation, and appears rather cramped. In addition, the sign would occupy an area of approximately 14.3m<sup>2</sup> and the use of internal illumination would further result in an intrusive and overdominant feature, on a prominent and elevated position. It is considered that the display would create a 'top heavy' and overdominant feature, above the customer entrance spoiling the visual integrity and simple design of this restrained commercial building
- 8.8 Due to its siting, scale and illumination, Sign 1 would result in an incongruous and intrusive form of advertisement which would appear cramped in the apex, in an elevated position of the feature gable on the principal elevation of the existing building and would as such be detrimental to the visual amenities of the area, particularly given the location of the site in a prominent location on the outskirts of the historic city of Chichester. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (as amended) and policies 1 and 2 of the Chichester Local Plan: Key Policies 2014-2029.

## Sign 2

- 8.9 The proposed fascia sign would seek to replace an existing sign (measuring 1.65m by 1.65m), which was previously allowed at appeal (LPA ref.99/02636/ADV & PINS ref.APP/L3815/H/00/0410) in June 2000. The proposed sign would measure 1.7m in height and 1.9m in width and would be positioned at the south-western end of the north-western elevation of the building, facing Westhampnett Road.
- 8.10 Whilst it is acknowledged that sign would be marginally larger, when compared to the previously consented sign, it is recognised that unlike Sign 1, Sign 2 is not sited on a prominent/elevated position and would be well spaced at the far end of the north-western elevation. The building is set back from the road, with the sign mounted on the face of the building and would be seen almost exclusively in association with commercial activity. In addition, the site is situated adjacent to a large retail park and the character of the surrounding area is predominantly commercial, comprising large shops, supermarkets and restaurants, where the presence of signage, of a similar size and scale is a common feature.
- 8.11 When considering the existing sign in situ, the Inspector considered the sign to be well spaced at the far end of the north-western elevation. The Inspector went on to state that, as the building is set back from the road, with the sign mounted on the face of the store, it would be seen almost exclusively in association with commercial activity and that the; *'neat 'box-like' structures...would respond well to the depth and simple lines of the building'*. The Inspector opined that even with the benefit of internal illumination the sign would be acceptable and would not appear excessive, strident or out of character.
- 8.12 The submitted application form states that the sign would be internally illuminated to 4000cd/m<sup>2</sup>. However, the agent has confirmed during the course of the application that 400cd/m<sup>2</sup> is more accurate (email dated: 20.05.2020) which is considered acceptable for this location. In the interest of visual amenity and public safety a condition would be imposed to ensure the luminance of the fascia sign would not exceed 400cd/m<sup>2</sup>.
- 8.13 Having regard to this material consideration and subject to conditions, it is considered that the internally illuminated static fascia sign, located to the north-west elevation is deemed to be appropriate in terms of size, colour, siting, luminance and design, and would not result in visual cluttering in a way that would be harmful to the appearance of the surrounding area.

## Sign 2a

- 8.14 The non-illuminated dibond panel sign would comprise an applied digitally printed laminated graphic. The sign would measure 1.8m in height and 4m in width and would be screwfixed to the north-east elevation wall. The sign would advertise the gym.

- 8.15 This sign has been reduced in size during the course of the application; it was previously proposed to measure 2.5m by 4.8m. Furthermore, it is noted the previously refused sign (ref.08/04227/ADV) which was proposed to occupy a similar position measured 3.2m by 6.4m. The previous sign was refused due to its size and siting and was considered to appear unduly intrusive in the streetscene. The reduction in size of Sign 2a, allows the sign to fit comfortably within the wall panel. In addition, Sign 2a would be set back from the road and well-spaced towards the far end of the north-east elevation and as such would be seen almost exclusively in association with commercial activity.
- 8.16 In light of the revised plans, the proposed sign has overcome the previous reason for refusal and is considered to be appropriate in terms of size, colour, siting and design, and would not result in visual cluttering in a way that would be harmful to the appearance of the surrounding area.

### *Sign 3*

- 8.17 The proposed illuminated LED static display fascia sign, is internally illuminated to 400cd/m<sup>2</sup>. The sign would measure approx. 0.6m in height, 3.3m in width, 0.2m in depth and would be located 2m above ground floor level. The sign would be located below the north-east gable of the building, above the main entrance facing Portfield Way. The sign would be constructed from aluminium and fabric and would be finished in light blue with white and dark blue lettering, which would detail the gym's website address.
- 8.18 This sign has been reduced in width during the course of the application; it was previously proposed to measure 4.9m in width and has since been reduced by 1.6m (now measuring 3.3m in width). The submitted application form states that the sign would be internally illuminated to 4000cd/m<sup>2</sup>. However, the agent has confirmed during the course of the application that 400cd/m<sup>2</sup> is more accurate (email dated: 20.05.2020) which is considered acceptable for this location. In the interest of visual amenity and public safety a condition would be imposed to ensure the luminance of the fascia sign would not exceed 400cd/m<sup>2</sup>
- 8.19 In light of the revised plans, the proposed sign is considered to be appropriate in terms of size, colour, siting, luminance and design, and would not result in visual cluttering in a way that would be harmful to the appearance of the surrounding area.

### *Signs 4, 5, 6, 7 and 8*

- 8.20 The externally applied vinyl graphics to the glazed areas are considered to be appropriate in terms of size, colour, siting and design, and would not result in visual cluttering in a way that would be harmful to the appearance of the surrounding area.

### *Signs 9*

- 8.21 The 2no. non-illuminated directional signs, which would be located within the car park area, are considered to be appropriate in terms of size, colour, siting and design, and would not result in visual cluttering in a way that would be harmful to the appearance of the surrounding area. Furthermore, it is noted these signs would exactly replace the existing signage in terms of size and scale.

### iii. Impact upon Public Amenity and Safety

8.22 Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the display of advertisements where they do not adversely impact upon the interests of amenity or public safety.

8.23 Due to the set back position of the signs from the highway, it is considered that no adverse impact on public amenity and safety would occur if the application was permitted.

### Conclusion

8.24 For the reasons stated above Signs 2, 2a, 3, 4, 5, 6, 7, 8 and 9 are suitable in the context of the surrounding area. The signs are considered to be appropriate in colour, style, scale and luminance for the surrounding area, therefore the signs are considered to be acceptable in terms of visual and aural amenity, in accordance with local and national policy. There are no material considerations that indicate otherwise therefore; consent should be granted.

8.25 Due to its siting, scale and illumination, Sign 1 would result in an incongruous and intrusive form of advertisement which would appear cramped in the apex, in an elevated position of the feature gable on the principal elevation of the existing building and would as such be detrimental to the visual amenities of the area, particularly given the location of the site in a prominent location on the outskirts of the historic city of Chichester. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (as amended) and policies 1 and 2 of the Chichester Local Plan: Key Policies 2014-2029.

### Human Rights

8.26 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

## **RECOMMENDATION – SPLIT DECISION**

**Permit Signs 2, 2a, 3, 4, 5, 6, 7, 8 & 9** subject to the following conditions and informatives:-

#### STANDARD CONDITIONS:

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

- (c) 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.
- (d) 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.
- (e) 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.

**ADDITIONAL CONDITIONS:**

1) Signs 2, 2a, 3, 4, 5, 6, 7, 8 and 9 shall be maintained in accordance with plans: 00/RevA, 02/Rev9, 04/Rev9, 05/Rev9, 06/Rev9, 07/Rev9 and 08/Rev9.

Reason: To ensure the development complies with the advertisement consent.

2) The luminance of the Signs 2 and 3 hereby consented shall not exceed 400 candelas per square metre and will be statically illuminated.

Reason: In the interest of visual amenities and public safety.

**Decided Plans**

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN -	02	9	23.07.2020	Approved
PLAN -	03	9	23.07.2020	Refused
PLAN -	04	9	23.07.2020	Approved
PLAN -	05	9	23.07.2020	Approved
PLAN -	06	9	23.07.2020	Approved
PLAN -	07	9	23.07.2020	Approved
PLAN -	08	9	23.07.2020	Approved
PLAN -	00	A	16.09.2020	Approved

**Refuse Sign 1**- The reasons for the Council's decision to refuse to grant consent to the display of (an) advertisement is:

The proposed internally illuminated fascia sign (Sign 1) would by reason of its siting, scale and illumination, result in an incongruous and intrusive form of advertisement which would appear cramped in the apex, in an elevated position of the feature gable on the principal elevation of the existing building and would as such be detrimental to the visual amenities of the area, particularly given the location of the site in a prominent location on the outskirts of the historic city of Chichester. The proposal would therefore be contrary to the aims and objectives of the National Planning Policy Framework (as amended) and policies 1 and 2 of the Chichester Local Plan: Key Policies 2014-2029.

### **INFORMATIVE**

This refusal is in accordance with plans: 00/RevA, 02/Rev9, 03/Rev9.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5UAHNERFXL00>