
Appeal Decision

Site visits made on 24 January 2017 and 6 February 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/Y3425/H/16/3157635

Staffordshire Bull, Bradshaw Way, Parkside, Stafford ST16 1TQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Enterprise Inns against the decision of Stafford Borough Council.
 - The application Ref 16/24040/ADV dated 14 April 2016, was granted express consent on 13 July 2016 subject to conditions.
 - The express consent to display advertisements relates to installation of replacement illuminated and non-illuminated signs to the exterior of the building.
 - The condition in dispute is No 9 which states that: *"The strip light above sign E which is not shown on the approved plans shall be removed from the side (east) elevation of the building within one month of this permission. The 3 LED down-lighters indicated as 'G' on the approved plans and the strip light above sign 'E' shall be removed from the side (east) elevation within one month of the date of this permission. No further lighting shall be installed to the side (east) elevation of the building without the express consent of the Local Planning Authority".*
 - The reason given for the condition is: *"To safeguard the amenities of the area (Policy N1e of the Plan for Stafford Borough)".*
-

Decision

1. The appeal is allowed and the advertisement consent Ref 16/24040/ADV for installation of replacement illuminated and non-illuminated signs to the exterior of the building at Staffordshire Bull, Bradshaw Way, Parkside, Stafford ST16 1TQ granted on 13 July 2016 by Stafford Borough Council, is varied, by deleting condition No 9 and substituting for it the following condition:
 - 1) No further lighting, other than the strip light in-situ above sign E which is not shown on the approved plans, the lantern sign indicated as 'F' and 3 LED flood lights indicated as 'G' on the approved plans, shall be installed to illuminate the signs on the side (east) elevation of the building without the express consent of the Local Planning Authority.

Background and Main Issue

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to Policy N1(e) of the Plan for Stafford Borough 2011-2031 (PSB), adopted June 2014. I have taken the policy into account as a material consideration, in so far as it relates to amenity and public safety.
-

3. The signs granted express consent by the Council were installed in November 2015 and remain in-situ. The appellant has requested that condition 9 of the express consent be varied, so that the existing lighting on the eastern elevation of the building can be retained including the strip light above sign E which is not shown on the approved plans. I visited the site on 24 January 2017 to observe the signs during daylight hours and on 6 February 2017 during the evening to observe the signs when illuminated.
4. The main issue is whether the disputed condition is reasonable and necessary in terms of the effect on amenity, with particular regard to the character and appearance of the host building and its surroundings and the living conditions of occupiers of neighbouring properties.

Reasons

5. The appeal site consists of an existing public house within a local retail centre which has a main entrance and car parking area facing Parkside Avenue. The side (east) elevation of the building adjoins the pedestrian footway of Bradshaw Way and faces residential properties opposite. The express consent granted by the Council relates to fascia signs, poster signs, strip lights, lanterns and floodlights on both the front elevation and side (east) elevation of the building.
6. The signs on both the front and side (east) elevations of the building are clear and coherent designs that are consistent with the commercial use of the building. The scale, colour and design of the signs ensure a harmonious appearance and reflect the purpose of drawing attention to the building without being obtrusive or overly dominant features. In this respect, the signs appropriately assimilate with the brick and part render façade, existing doors and a range of windows at ground and first floor level within both elevations.
7. The disputed condition relates to the external illumination of signs on the eastern side elevation of the building with particular reference to a strip light above sign 'E' and 3 LED down-lighters (floodlights) identified as 'G' on the approved plans. The condition also seeks to prevent any further lighting from being installed to the side (east) elevation of the building without express consent being sought. The condition does not make specific reference to the lantern light located on the elevation which is identified as 'F' on the approved plans. However, the evidence before me includes the Council's Planning Committee minutes which had a recommendation that the disputed condition include removal of all of the lighting on the eastern elevation of the property.
8. I observed that the external illumination of the fascia sign on the side (east) elevation by strip lighting as in-situ is subtle and focused directly upon the sign. In addition, the illumination of the side elevation by flood lighting directed onto the building and a lantern harmonises with the signage and external illumination to the front elevation of the building granted express consent. I, therefore, consider that the signage and proposed illumination on the side (east) elevation respects the character and appearance of the host building and its mixed setting of commercial and residential properties.
9. Another factor relevant to amenity relates to the living conditions of occupiers of neighbouring properties. The cumulative effect of the floodlighting, strip lighting and the lantern illuminates the side (east) elevation of the building and the immediately adjacent footway. The lighting of the side (east) elevation is

visible from properties opposite, particularly 7 Bradshaw Way (No 7) which has a front elevation directly facing the signs. Condition 8 of the express consent prevents illumination on the side (east) elevation of the building between 0010 - 0950 on Mondays to Friday and 0110 - 0950 on Saturdays and Sundays when the public house is closed to customers.

10. The strip lighting is static and directed upon the fascia sign, whilst the lantern lighting is subtle and similar to lights on the exterior of residential properties opposite. The 3 floodlights on the side (east) elevation are positioned to direct light onto the building and the footway, and therefore, not towards the properties opposite. Consequently, the positioning of the strip light and floodlights towards the building minimises light spill. Furthermore, the cumulative effect of each form of illumination on light levels is reduced by the surrounding context of street lighting along Bradshaw Way and internal lights visible through existing windows on the side (east) elevation, when the public house is open to customers. In such circumstances and given the restrictions imposed separately by condition 8, external illumination of the signs on the side (east) elevation by a strip light, 3 LED floodlights and a lantern is not intrusive and does not have an unacceptable impact upon the living conditions of neighbouring properties, including No 7.
11. In reaching the above findings, I have taken into account that representations from interested parties draw attention to previous Council decisions which refused illuminated signs on the side (east) elevation. However, I do not have the full details of those proposals and so cannot be certain that the circumstances are the same. In any case, I have determined this appeal on its own merits.
12. I conclude that the disputed condition is not reasonable and necessary with regard to the effect on amenity of the existing external lighting on the side (east) elevation, including the character and appearance of the host building and its surroundings and the living conditions of occupiers of neighbouring properties. However, a condition that no further lighting shall be installed to illuminate the signs on the side (east) elevation of the building without the express consent of the local planning authority is required. Such a condition would ensure consideration of the effect of any further lighting on amenity, including the living conditions of neighbouring properties opposite. Subject to the imposition of such a condition, the development complies with Policy N1(e) of the PSB and the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
13. I have considered the other conditions attached to the express consent but there is no evidence before me that leads me to conclude that it is necessary to vary any of those. My decision alters the existing express consent that has been granted and should be read in conjunction with it.

Other Matters

14. The reason for the disputed condition does not relate to matters of public safety and the Council have offered no concerns in that respect. Based on the evidence before me and observations during my site visits, I have no reason to take a different view. The illuminated signs on the side (east) elevation subject to the disputed condition are distant from the junction of Bradshaw Way and Parkside Avenue, have no influence on sight lines from points of access and the

static external lighting focussed on the building would not cause a distraction, dazzle or glare to motorists.

15. Representations from interest parties have raised queries as to whether the illumination of the signs is necessary. However, advertisements are subject to control only in the interests of amenity and public safety.

Conclusion

16. I have concluded that a condition to control the type of illumination relating to the advertisements for which express consent was sought is only reasonable and necessary in the interest of amenity to require consideration by the local planning authority of any further lighting of the signs on the side (east) elevation beyond the strip lights, 3 floodlights and lantern that are in-situ. I will, therefore, delete the condition subject to this appeal and replace it with one that restricts further lighting.
17. For the reasons given above, I conclude that the appeal should succeed and that the express consent should be varied as set out in the formal decision.

Gareth Wildgoose

INSPECTOR