



Appeal Decision

Site visit made on 8 June 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/F0114/H/20/3246619

Red Lion, High Street, Paulton, Bristol BS39 7NW

- 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 Star Pubs & Bars Limited against the decision of Bath & North East Somerset Council.
 - The application Ref 20/00020/AR, dated 3 January 2020, was refused by notice dated 7 February 2020.
 - The advertisement proposed is described as 'A: 1x fascia with applied 10mm perspex gold leaf letters, illuminated by trough light, B: 1x refurbished existing lanterns, C: 2x amenity boards, D: 1x large amenity board to replace existing, E: 3x A2 lockable poster case, G: 9x LED floodlights, H: 1x double sided pictorial with vinyl text, illuminated by linolites & 3x single roundals with applied logo, illuminated by floodlights, I: 1x refurbished existing entrance panel and J: 1x lantern fixed to cradle bracket.'
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Decision

1. The appeal is allowed and express consent is granted for the display of A: 1x fascia with applied 10mm perspex gold leaf letters, illuminated by trough light, C: 2x amenity boards, D: 1x large amenity board to replace existing, E: 3x A2 lockable poster case, G: 9x LED floodlights, and H: 3x single roundals with applied logo, illuminated by floodlights, 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 illumination of the signs permitted by this consent shall not be of a flashing type.
 - 2) The intensity of the illumination of the signs permitted by this consent shall be within that recommended by the Institute of Lighting Professionals (for a sign within Zone 4) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 3) The illuminated signs permitted by this consent shall be switched off and shall be non-illuminated when the public house is closed to members of the public.

Procedural Matters

2. The Council issued a split decision, refusing express consent for part of the proposed development but granting consent for sign F (1x new double sided pictorial sign to existing bracket. New linolites to illuminate), sign B (refurbish 1 x existing lantern to front elevation), sign J (1 x new lantern on new bow bracket) and sign I (1 x refurbish existing transom sign to entrance). The appeal therefore relates to those aspects of the proposed advertisements which

were refused consent, including signs A (1 x fascia sign with applied 10mm perspex gold leaf letters, illuminated by trough light), C (2 x amenity boards), D (1 x large amenity board to replace existing), E (3 x A2 lockable poster cases), G (9 x LED floodlights) and H (3x single roundals with applied logo, illuminated by floodlights). I have determined the appeal on this basis and have included this detail in the description of development above as it more accurately defines the appeal proposal.

3. The Council's Officer Report states that the location of all the floodlights has not been indicated on the plans. However, I am satisfied that their locations are shown on the submitted elevation drawing, including two beneath each of Signs H on the building's gable ends and five on its front elevation. As set out by the Council, the two lamps shown on either side of the side entrance on the proposed elevation drawing have not been referred to in the application form. However, on my site visit I observed two existing lamps in that location and I have in any event limited my consideration to those aspects which form part of the appeal proposal.

Main Issue

4. The main issue is the effect of the proposed signs and lighting on the visual amenity of the area.

Reasons

5. Fronting the highway and visible from The Triangle, the appeal site is situated in a prominent location within Paulton and the Paulton Conservation Area (CA). The Red Lion is a large building, has an imposing, antiquated design and retains a traditional appearance of a historical coaching inn. It positively contributes to the character and appearance of the locality and the CA and it is identified by the Council as a non-designated heritage asset. It is described in the conservation area appraisal as a Tudorbethan revival and there is evidence of an earlier building embedded in its structure. There are a number of existing adverts and lights on the site and on other nearby commercial premises which face the highway in the centre of Paulton and within the CA.
6. The appeal proposal involves the placement of various signs and illumination. This includes: x1 fascia advert illuminated by trough light; and x3 roundals, x3 lockable poster cases, x1 large amenity board and x2 amenity boards, all illuminated by the nine proposed floodlights. However, the evidence before me indicates that the majority of the proposed signs and illumination would replace similar sized existing advertisements and associated illumination, which includes a modest trough light above the existing front fascia and floodlights on the building's front and side elevations. The exceptions to this include an extra amenity board on the front elevation and two of the three proposed roundals.
7. Although the Council refer to unacceptable signage on the building, it has not been put to me that the existing signs and lighting which would be replaced by the proposed signs and lighting detract from the character and appearance of the building, the surrounding area or the Paulton CA. From the evidence before me and from my observations on site, I find that the existing signs and lighting on the Red Lion that would be replaced appear as suitable features in relation to their context and the locality. Accordingly, and given the similarity in terms of the size of the adverts and their design, including branding and the means of illumination, it seems to me that the replacement signs and lighting would not

harm the building and would preserve the character and appearance of the locality and CA. Being replacements for the existing adverts and lighting, neither would they result in a proliferation of signage in the locality or unacceptable visual clutter.

8. Although the relatively small additional amenity board proposed would not be particularly prominent, the two reasonably large additional roundals would be notable features in the public realm. However, despite their size, the roundals would neither clutter nor dominate the building given its size and stature. Due to its use as a public house and its town centre location, the roundals and their floodlight illumination would also not detract from the building's appearance nor appear incongruous and out of character with the surrounding area. The submitted evidence also indicates that there have previously been similar sized signs in a similar position on the Red Lion as part of the existing and past signage and lighting schemes. The two existing floodlights on the gable end and the floodlight above the existing trough-lit fascia substantiate this. Accordingly, the additional amenity board and roundals and their means of illumination would not appear as incongruous or harmful additions and would not result in an unacceptable proliferation of illuminated signage. They would therefore not harm the visual amenity of the area, including with regards to the significance of the non-designated heritage asset and the character and appearance of the CA.
9. The submitted evidence indicates that illuminance levels from the proposed floodlights and the smaller-profiled, unobtrusive trough light would be less than the existing situation. With the proposed illuminance levels being 200 candela per square metre, as detailed in the submitted application form, the level of illumination would also not be significant or excessive and would be well within that recommended by the Institute of Lighting Professionals in PLG 05 for urban (Zone 4) environments.
10. In reaching my decision, I have taken into account the provisions of the development plan, so far as they are material, in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. For the above reasons, I conclude that the proposed signs and lighting would not harm the visual amenity of the surrounding area and the building as a non-designated heritage asset, and would preserve the character and appearance of the Paulton CA. Consequently, I find that the proposal would not conflict with Policies D9 and HE1 of the Bath and North East Somerset Local Plan 2011-2029 (Placemaking Plan). These set out the Council's approach to determining advertisements and safeguarding heritage assets and, amongst other aspects, indicate that the suitability of commercial advertisement signage will be determined based on a number of factors, including consideration of the proposal within the existing context, its aesthetic/visual impact and the potential harm to historic fabric.

Conclusion and Conditions

12. For the above reasons, the appeal is allowed. In doing so, I note that the Council have proposed some non-standard conditions.

13. In addition to the standard conditions, it is necessary to impose conditions limiting the intensity of the illumination of the advertisements, preventing the illumination from flashing and requiring the illumination to be switched off when the public house is closed. These are necessary in the interests of highway safety and to avoid unnecessary illumination with respect to the visual amenity of the area and the living conditions of adjoining occupiers. I have however modified the Council's proposed illumination levels condition so as to be specific to the urban context of the site and to refer to the latest relevant guidance¹.
14. The plans condition is not needed because my decision grants express consent, not planning permission. It is not necessary to include a condition requiring removal of the existing advertisements because the proposed advertisements would be located in their place. I have also declined to impose a condition requiring details of the method and intensity of illumination to be submitted to the Council because these details are included in the application for express consent and maximum luminance is also covered by the above condition. These conditions are therefore not necessary.

Tobias Gethin

INSPECTOR

¹ PLG 05 has replaced the advice in 'Technical Report No 5: Brightness of Illuminated Advertisements (Third edition 2001)' by the Institution of Lighting Engineers.