



Appeal Decision

Site visit made on 5 October 2020

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 27 October 2020

Appeal Ref: APP/B3030/Z/20/3253860

Street Record, The Wharf, Newark on Trent, NG24 1EU

- 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 Mr Rob Weller (Pizza Express) against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00060/ADV, dated 13 January 2020, was the subject of a split decision by notice dated 11 March 2020.
 - The advertisement proposed is 1 no. internally illuminated sign with address (A), 1 no. internally illuminated sign 'pizzeria' (B), 1 no. externally illuminated sign 'pizzeria' (C) and, 1 no. externally illuminate projecting sign (D).
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Decision

1. The appeal is allowed and express consent is granted for the display of the 1 no. internally illuminated sign with address, 1 no. internally illuminated sign 'pizzeria', 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.

Preliminary matters

2. Advertisement consent has already been granted, in the form of a split decision, for the externally illuminated sign 'pizzeria' and the externally illuminated projection sign. These are proposed to be located on the historic element of the property.
3. For the avoidance of doubt, the appeal before me relates to the remaining two advertisements refused by the Council. Namely, an internally illuminated sign, setting out the address of the restaurant and the internally illuminated sign 'pizzeria', both of which are proposed to be located on the modern element of the appeal property and which were refused. I am clear that this is the case and have proceeded on that basis.
4. Reference has been made within the officer's report to a separate application for listed building consent. This solely relates to the advertisements for which consent has been granted by the Council. Whether an application for listed building consent is required as a result of my decision is not a matter before me.
5. National Planning Policy sets out that advertisements should be subject to control only in the interests of amenity and public safety, taking account of

cumulative impacts. The Planning Practice Guidance¹ makes clear that consent cannot be refused if the local planning authority considers the advertisement to be unnecessary.

Main Issue

6. The Council raises no public safety objection. Therefore, the main issue is the effect of the proposed advertisements on visual amenity.

Reasons

7. The appeal site is a restaurant located in a Grade II listed building. It is a converted early 18th century, two storey warehouse, with 20th century alterations, and a glass panel link to a modern brick rotunda. From the evidence before me, the significance of the building is related to its modest and simple form, derived from its historic function as warehousing, to service the historically significant commercial use of the river Trent. The extension, whilst clearly a modern design, is broadly sympathetic.
8. The restaurant faces a car park, accessed from Trent Bridge which is one of the main entrances to Newark. It sits at a tangent to the banks of the river and lies in the Newark Conservation Area which flanks both sides of the River Trent and rises up towards the commercial centre of the town.
9. I am mindful, that the Planning Practice Guidance sets out, in the context of a locality which has important scenic, historic, architectural or cultural features, that a decision maker should consider whether the advertisement is in scale and in keeping with these features in relation to considerations affecting amenity².
10. From my extensive site visit of the CA I noted that a key characteristic of the CA was the sensitive way in which corporate branding had been adapted to the individual retail units; the number of original shop fronts; and the remarkably few examples of illumination of fascia of commercial premises. This makes a very positive contribution to the character and appearance of the CA.
11. It is no part of the Council's case that the two internally illuminated signs, and illuminated horizontal bar running the length of the fascia which sweeps across the rotunda and curves to intersect with the original former warehouse do not benefit from advertisement consent. The illuminated signage which has been refused by the Council would refresh the corporate branding of the restaurant. This would alter the balance of the existing signage. However, whilst I have taken into account the current situation, I must consider the proposed signage on its own merits.
12. Whilst the appellant has applied for two separate internally illuminated signs, the impact of the proposed advertisements needs to be considered as a whole.
13. It appears that the Council does not object per se to the internally illuminated gold leaf 'pizzeria' lettering proposed to be located over the main entrance to the restaurant. Rather, it objects to its proposed position over the entrance rather than on the prominent element of the rotunda. However, I can only determine what is before me. Given the way in which the modern rotunda and the former warehouse intersects, the sign would only be highly visible in a

¹ ID: 18b-026-20140306

² ID: 18b- 079-2014306

- restricted area, from the direction of the river and adjacent car park. As such it would not be visually conspicuous. Moreover, when viewed from these vantage points, its discrete design, which would remain within the boundary of the fascia that curves across the brick rotunda and glass link, would not result in harm, either to the visual appearance or historic significance of the former warehouse, or when considered in the context of the wider area.
14. The proposed second element of the scheme would be for illuminated lettering setting out the address of the restaurant. Whether this text, which would extend 1122 mm, and have internally illuminated push through lettering that would be no greater than 203mm in height, would be necessary or not, is not before me. I must concern myself with its visual impact.
 15. Any illuminated signage would be strictly contrary to the guidance set out in the Council's Shopfronts and Advertisement Design Guide Supplementary Planning Document, (SPD) which considers internal illumination to always be inappropriate, even on premises which have a night time use, such as the appeal property.
 16. However, I consider that rather than being unduly prominent on the most visible element of the fascia, the small element of illuminated lettering, on an otherwise blank fascia, would be seen as a subtle approach to identifying the appeal property. The lettering would be consistent with the modern element of the listed building and would be appropriately differentiated, and subservient to the larger externally illuminated gold lettering which has already been consented as part of this application, and which would sit on the historic element of the former warehouse.
 17. Notwithstanding the conflict with the SPD, to which I have had due regard, and the subsequent objection by Newark Town Council, in this particular circumstance, such an approach of allowing limited internal illumination, would be consistent with the clear delineation between the historic converted warehouse, which functionally and visually links with the former warehousing in the immediate area, and the extension which is of a simple modern design.
 18. The scheme succeeds on its own merits and would not adversely impact on the character or appearance of the wider conservation area, nor the special interest of the listed building through an adverse impact on its appearance.
 19. As such, I conclude that both elements of the appeal, singly and cumulatively, would not have any adverse effect on amenity.

Conclusion

20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise of planning functions. I have found in this instance, that no harm would result from the proposed advertisements.
21. Similarly, Section 66(1) of the Act requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As set out above, I have found no harm to the listed building. However, this conclusion does not predetermine, nor negate, the requirement

to apply for separate listed building consent in relation to the internally illuminated signs including their method of fixing.

22. The Council has referred to the development plan policies which they consider to be relevant to this appeal. However, given that I have concluded that the advertisements would not have an adverse visual impact, including in relation to the historic character and appearance of both the Grade II listed building and the wider conservation area, there is no policy conflict with Policies CP9 and CP 14 of the Amended Core Strategy adopted 2019 , and Policies DM5 and DM9 of the Allocations and Development Plan Document adopted 2013 (DPD), which collectively seek to ensure the continued conservation and enhancement of the district's distinct, heritage assets and historic environment.
23. For the reasons which are set out above, I allow the appeal and grant express consent for the display of both internally illuminated signs.

L. Nurser

INSPECTOR