

Appeal Decision

Site visit made on 8 March 2015

by Tim Belcher FCII, LLB (Hons), Solicitor (Non Practising)

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

Decision date: 31 March 2015

Appeal Ref: APP/F0114/H/14/2229527

Pedestrian area in new Keynsham Town Centre at corner of Bath Hill and Temple Street, Market Walk, Keynsham, Bristol.

- 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 Impact Screen Limited (Mr Peter Morgan) against the decision of Bath & North East Somerset Council (the Council).
 - The application Ref 14/03641/AR, dated 14 July 2014, was refused by notice dated 10 October 2014.
 - The advertisement proposed is described in the application form as, "Community screen using digital signage, publicising local businesses, community groups, Council messages, personal messages".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed advertisement is an internally illuminated LED screen. I will refer to it in my Appeal Decision as the "LED Screen".
3. The application form states that the LED Screen would be free-standing, face the pedestrian concourse with its back to the first floor wall of a new office complex. The Council have referred to the building against which the LED Screen would be seen as the Town Hall and I will refer to it using the same terminology.
4. The appeal site is within the Keynsham Designated Conservation Area (the Conservation Area). The Conservation Area covers a large area and includes a diverse range of buildings and styles of buildings as well as Public Open Space, places of worship and recreational facilities.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on a decision maker that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I will refer to this as the Conservation Area Test.

Main Issue

6. I consider the main issue in this case is the effect of the LED Screen on the character and appearance of the Town Hall and the Conservation Area.

Policy

7. The Development Plan for the area includes the Council's Core Strategy¹ and the Local Plan². I have also been referred to the National Planning Policy Framework³ (the Framework).

Reasons

8. The Development Plan, amongst other things, reflects the Conservation Area Test explained above.
9. The Framework explains that poorly placed advertisements can have a negative impact on the appearance of the built environment. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety.
10. There are no public safety concerns raised by the Council in this case.
11. The appeal site has recently been redeveloped and much of it appears to comprise public buildings, including the Town Hall. The Town Hall forms part of the Council's Civic Centre.
12. The Town Hall is of an attractive modern design and shape. The offices at first floor level and above are recessed behind a lattice of metal girders and wooden poles which appear to be contained within a projection from the building, the bottom of which is at first floor level and this projection continues along the sides and forms part of the roof of the Town Hall. The materials used in the construction of the Town Hall contain an interesting array of colours including gold, grey, and various shades of light blue. The other nearby buildings continue to reflect these strong design themes and create a sense of civic pride in this Town Centre location.
13. The LED Screen would:
- a) Be free standing in an area which is used by the public as a concourse to the various buildings within the Civic Centre and other commercial properties. The plans which I have been provided with also indicate that this concourse area may, in time, be developed so as to provide outdoor covered seating reflecting a typical European street café scene.
 - b) Be very large having a maximum width of 5m and a depth of 2.5m.
 - c) Be supported by stanchions and the bottom of the LED Screen would be at first floor level.
14. The Town Hall is, in my assessment, of significant importance in visual terms to the townscape of this part of Keynsham. This is not only because of its function of being part of the Civic Centre but also because of its interrelationship with the other nearby civic and other commercial buildings which together form an important part of the street-scene in this part of Keynsham Town Centre. I have explained the attractive architectural detailing

¹ Policy CP6

² Policies D2, D4, BH6 & BH17

³ Paragraph 67

of the Town Hall and its importance in creating a quality building within the Conservation Area. Accordingly, the Town Hall and the other nearby civic buildings make a very important contribution to the character and appearance of the area and the wider Conservation Area. It is highly important that the character of the public realm is maintained at the heart of the Town Centre.

15. In my assessment the LED Screen would detract from the attractive visual appearance of the area created by the Town Hall and the other civic buildings in this part of the Town Centre. The LED Screen would not reflect the architectural detailing within the overall design of the Town Hall and other civic buildings. The detailing of the Town Hall is that which the architects included in the overall design of the Town Hall and other civic buildings. The placing of a freestanding LED Screen would materially harm the appearance of the Town Hall and the surrounding area. The sheer size of the LED Screen would mean that it would partially obscure views of two of the first floor windows which it would be sited in front of. This would interrupt the carefully designed pattern of fenestration in the principal elevation of the Town Hall. The LED Screen would not respond to its local context in terms of its appearance when compared with the Town Hall and other civic buildings. Further, it would fail to meet the Conservation Area Test because its appearance would harm the area and thus this part of the Conservation Area.

Other Matters

16. I have noted the concerns raised by the Council regarding the impact of the LED Screen in terms of day-lighting to first floor windows within the part of the Town Hall and outlook from those windows (onto the rear of the LED Screen) and the adverse impact that this would have on the occupiers of that part of the Town Hall served by the first floor windows.
17. The appellant explained that:
- a) The LED Screen would be sited in front of the Town Hall and not affixed to it.
 - b) The windows in question light a stairwell used as an emergency exit rather than working space occupied by Council staff within the Town Hall.
 - c) The design of the Town Hall is such that the windows do not open and therefore the LED Screen could not restrict their opening as suggested by the Council.

The Council have not disputed any of these matters.

18. For the reasons explained above I have had regard to all of these matters and in my assessment the LED Screen would not harm the amenities of the Council staff within the Town Hall.
19. I am also aware of the public benefits that may arise from the appropriate use of the LED Screen and the support which it has from the Chamber of Commerce and others. As the appellant has explained the Council would be able to have a significant input into the use of the LED Screen because they are the owners of the land on which the LED Screen would stand and their permission, as landowners, would be required notwithstanding any grant of express consent for the LED Screen.

Overall Conclusions

20. I have explained above that I do not consider that any harm would occur for the users of the Town Hall as a result of the proposal and that there would be benefits arising from the use of the LED Screen. However, the determining issue is the material harm that would be caused by the LED Screen to the appearance of the Town Hall and the character and appearance of the wider Conservation Area. This harm would clearly be detrimental to the interests of amenity.

Tim Belcher

Inspector