

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/03409/AD
<b>FULL APPLICATION DESCRIPTION:</b>	Advertisement consent for the display of 2 No. Externally Illuminated Hanging Signs and 1 No. Internally Illuminated Fascia Sign
<b>NAME OF APPLICANT:</b>	Revolution Bars Limited Revolution Bar (Formerly Bishop Langley)
<b>ADDRESS:</b>	North Road Durham DH1 4PW
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate Paul Hopper (Senior Planning Officer)
<b>CASE OFFICER:</b>	Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is an existing and well-established public house located at Framwellgate Bridge (Formerly the Bishop Langley) which is now occupied by the Revolution Bars Group. Planning permission was previously granted for a retractable roof at the site in 2019 and this has since been implemented.
2. The building presents a river frontage at ground floor level along with notable frontages to Framwellgate Bridge at the upper levels. It sits within Durham City Conservation Area, the setting of the UNESCO World Heritage Site at Durham Cathedral and Castle and within close proximity of a variety of listed structures. It also sits alongside Framwellgate Bridge which is a Scheduled Ancient Monument.

#### The Proposal

3. Advertisement consent is sought for the display of 1 No. illuminated fascia advertisement, 1 No. illuminated pole mounted hanging sign and 1 No. illuminated wall mounted hanging sign. Works to install all signage are now complete and as such this application is retrospective relating to the retention of all three items of signage as described.
4. All three items of signage were previously subject to an application for advertisement consent. However, this application was refused as the pole mounted sign was considered to have a significant detrimental impact upon the character of Durham City Centre Conservation Area the setting of the UNESCO World Heritage Site at Durham Cathedral and Castle and an enforcement notice requiring its removal issued.

5. The pole mounted sign was subsequently removed and replaced with the current sign which incorporates amended means of illumination and materials. This sign (along with the fascia sign and hanging sign) is currently unauthorised and as such this application seeks to regularise the position.
6. The fascia advertisement is located to the eastern elevation of the building immediately below the recent roof extension and is 2.6 metres wide by 295mm high with a projection of 40mm. It is internally illuminated and displays the following text on a green background 'REVOLUTION BARS'. The wall mounted hanging sign is also located on the eastern elevation of the building at a height of 5.57 metres from ground level. It is 1.2 metres tall by 900mm wide with a depth of 50mm and is externally illuminated displaying the corporate logo of Revolution Bars which comprises white, red and gold text on a black background.
7. The pole mounted hanging sign is located within the existing roof terrace immediately adjacent to Framwellgate Bridge and is situated at a height of 2.97 metres. It is 1.2 metres tall by 900mm wide and is externally illuminated displaying the corporate logo of the application comprising white, red and gold text on a black background and is of timber construction.
8. This application is being reported to Planning Committee at the request of the City of Durham Parish Council who have concerns regarding the impact of the signage upon the World Heritage Site and the character and appearance of the Durham City Centre Conservation Area.

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## **PLANNING HISTORY**

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9. A previous application for the display of 1 No. illuminated fascia advertisement, 1 No. illuminated pole mounted hanging sign and 1 No. illuminated wall mounted hanging sign was refused in 2019 as it was considered the pole mounted sign would have a significant adverse impact upon the character and appearance of Durham City Conservation Area and the setting of the World Heritage Site.
10. An associated Removal Notice was subsequently served and required the removal of the sign. The applicant complied with the requirements of this notice and removed the sign although it is noted that this was replaced by the current pole mounted sign which is the subject of this application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.

12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision taking is outlined.
14. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will *improve* the economic, social and environmental conditions of the area. Decisionmakers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

#### **LOCAL PLAN POLICY:**

17. The following policies of the City of Durham District Local Plan (CofDLP) are considered relevant to the determination of this application.
18. Policy E3 (World Heritage Site – Protection) Durham Cathedral and Castle World Heritage Site and its setting will be protected by restricting development to safeguard local and long distance views to and from the cathedral and castle and Peninsula in accordance with policies E1, E5, E6, E10, E23 and E24 and applying policies E1, E5, E6, E10, E21, E22, E23 AND E24 relating to green belt, landscape setting, conservation areas, listed buildings, and archaeological remains; and seeking the conservation and management of buildings, Archaeological remains, woodland and open spaces which make up the world heritage site and its setting.
19. Policy E6 (Durham City Centre Conservation Area) The special character, appearance and setting of the Durham (city centre) conservation area will be preserved or enhanced.

20. Policy E22 (Conservation Areas) The council will seek to preserve or enhance the character or appearance of the conservation areas within the City of Durham by not permitting development proposals which would detract from the character or appearance of the conservation area or its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details; not permitting the demolition of buildings which contribute to the area's character. Permission for the demolition of any significant building will not be granted until a detailed scheme for appropriate redevelopment of the site has been approved; protecting trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or appearance of the area and its setting; requiring a sufficient level of detail to accompany applications for development to enable an assessment to be made of its impact on the conservation area. In addition the council will also implement schemes for the enhancement of conservation areas where appropriate and as resources permit.
21. Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings.
22. Policy Q16 (Advertisements - General Criteria) states that advertisement consent will be granted for non-illuminated and illuminated signs provided that their size, design, materials, colouring, and in the case of illuminated signs, on commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety with particular attention paid to the impact of advertisements upon the character and setting of listed buildings and the character and appearance of conservation areas in accordance with policies E6, E22 and E23.

#### **EMERGING COUNTY DURHAM PLAN:**

##### **The County Durham Plan**

23. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4<sup>th</sup> December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

##### **Durham City Neighbourhood Plan**

24. The Durham City Neighbourhood Plan is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

*most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

25. The Highway Authority raises no objection to the application.

26. City of Durham Parish Council raise objection to the application and consider that the signage has a materially adverse impact on the World Heritage Site (Saved Policy E3), on Durham City's historic environment (Saved Policy E21), on the Durham City Conservation Area (Saved Policy E22), and on the setting of Framwellgate Bridge and other nearby Listed Buildings (Saved Policy 23); and is detrimental to visual amenity whilst showing no particular attention being paid to the impact of the signage upon the character and setting of listed buildings and the character and appearance of the Conservation Area (Saved Policy Q16).

#### **INTERNAL CONSULTTEE RESPONSES:**

27. Design and Conservation Section raises no objection to the application as they consider it to have no demonstrable harm to the character, appearance or setting of the designated heritage assets.

#### **PUBLIC RESPONSES:**

28. World Heritage Site Co-Ordinator objects to the application stating that the sign is excessively distracting at night when seen in the view to key floodlit WHS buildings.
29. City of Durham Trust objects to the application echoing closely the comments of the World Heritage Co-ordinator noting that all the signage is prominent at night especially the freestanding sign when seen in the view to the key floodlit WHS buildings
30. The application has been publicised by way of site notice, press notice and notification letters sent to neighbouring properties. In addition to the responses listed above one letter of objection has been received which raises concern that the freestanding sign in particular would occupy a much more prominent position than the previous signs on this site, and that it spoils the initial view of the castle as you walk onto Framwellgate Bridge.

#### **APPLICANTS STATEMENT:**

31. This advertisement consent application is for the display of three signs to signpost and advertise this business and the Revolution brand within the street scene.
32. The signs are replacing the original Bishop Langley signs like for like. Two of the signs will be located on the front elevation, fronting the river Wear riverside footpath.
33. The other sign post pictorial adjacent Framwellgate Bridge and is visible along Silver Street. The signs are an integral part of the development's design and are an important part of directing customers to the venue and ultimately ensuring the commercial success of Revolution Bar in Durham. The design of the signs is of a high quality traditional construction and will compliment and enhance the appearance of the building. The signs will consist of individual letters, which will be internally illuminated by warm white LED's to highlight the 'REVOLUTION' name over the entrance, Whilst both the post and wall mounted pictorials will be of traditional construction with external linolite illumination typical of a traditional public house. The signs will in no way detract from the character or the appearance of the conservation area or the overall street scene.

34. The signs are of similar construction and appearance to other venues such as “Psyche” within the immediate vicinity of Framwellgate Bridge, benefiting from council approval. And when assessed against the policies of the NPPF (February 2019) and the saved policies of the Durham City Local Plan, the proposed signs comply with all relevant criteria. and therefore it is our view that this application should be approved.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. Advertisements are controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007. This enables the Local Planning Authority to consider such proposals in terms of the interests of 'amenity' and where applicable, 'public safety', taking into account the provisions of the development plan where material, and any other relevant factors.
36. Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that poorly placed advertisement can have a negative impact upon the appearance of the built and natural environment. It goes on to state that the separate consent for advertisements should be operated in a way which is simple, efficient, and effective. Furthermore, advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.

### **Amenity**

37. Planning Practice Guidance clarifies that unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals. It also clarifies that amenity can include aural and visual amenity, and that factors relevant to this can include the presence of any historic, architectural, cultural or similar interest. It also states that in practice amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a site, where residents or passers-by will be aware of the advertisement.
38. In addition, policies with the Development Plan may also be taken into account where relevant. In this respect, given the location of the site within Durham City Conservation Area, in close proximity to several listed buildings, and within the inner setting of Durham Castle and Cathedral World Heritage Site, CDLP Policies E3, E6, E21, E22 and E23, which relate to the protection of such heritage assets are considered relevant, as is CDLP Policy Q16 which relates to advertisements.
39. The application site is located within Durham City Centre Conservation Area and the Local Planning Authority has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area and the setting of Listed Buildings/Scheduled Ancient Monuments.

40. As outlined the City of Durham Parish Council, City of Durham Trust and the World Heritage Site Co-Ordinator raise objection to the application with all raising fundamental concern regarding the impact of the freestanding pole mounted sign on the character and appearance of the Durham City Centre Conservation Area and the UNESCO World Heritage Site at Durham Cathedral and Castle. The main focus of concern is that the position of the sign in views towards the Cathedral and Castle, the size, design and means of illumination.
41. CDLP Policy Q16 in part advises that illuminated advertisements should be located on commercial premises for appropriate uses and particular opening hours, although it does not specify what an appropriate use comprises or provide any detailed advice with regards to particular opening hours. The development in question is an existing and well-established public house which has historically benefitted from signage in a broadly similar location previously for several years. The development to which the adverts relate is therefore commercial and operates hours similar to other comparable uses within the city centre. It is therefore considered reasonable that branding be applied to the site as is the case for other similar uses both within Durham and in other cities. Whilst the concerns of the City of Durham Trust, Parish Council and local resident are noted with regard to the pole mounted sign, it is nevertheless conceivable that visitors may wish to easily identify the property during hours of darkness and as such it is considered reasonable to allow them to do so through illuminated signage.
42. The building presents a river frontage at ground floor level and also presents notable frontages at street level to Framwellgate Bridge. It falls within part of Durham City Centre Conservation Area where it faces the riverside adjacent to Framwellgate Bridge, grade I listed and a scheduled monument. It is also within 100 metres of Durham Cathedral and Castle World Heritage Site (WHS) and falls within a significant public view that allows a clear understanding and appreciation of the visual drama and enduring relationship between the Castle, Cathedral, River Wear and the wooded gorge; such views underpin part of the WHS outstanding universal values.
43. With regard to the impact of the development upon designated heritage assets the proposed fascia and hanging sign are considered to have no unacceptable impact upon any designated heritage asset. With regard to the pole mounted sign, the pole mounting, rectangular double-sided form, and external static illumination are consistent with the design of signage previously displayed at the premises. It is also dimensionally slightly smaller, the former sign being 4320mm (total height) by 1040 (sign board width) the proposed 4170 by 900mm. While the slight reduction in depth, use of timber, and provision of a raised edge to act as a frame have been included as per officer advice.
44. The Council's Design and Conservation Section raises no objection to the fascia and hanging signs, and with regard to the pole mounted sign notes that this will inevitably feature in a significant view towards the World Heritage Site, most notably Durham Castle, and also in views along Framwellgate Bridge which is a scheduled monument. However, they note that in both day and night time views the revised design would be considered to reduce the visual impact to an acceptable level essentially equal to that of the former sign and as such offers no objection to the application.

45. Overall the design, appearance and siting of the advertisements proposed are considered acceptable in amenity terms having regards to both the general characteristics of the locality and having regards to heritage assets which include those upon which the Local Authority have statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. The advertisements raise no issues with regards to aural amenity considerations.
46. Therefore, with regards to issues of amenity, the advertisements are considered to accord with CDLP Policies E3, E6, E21, E22, E23 and Q16 and Parts 12 and 16 of the NPPF. Policies E3, E6, E22 and E23 are partially consistent with the content of the NPPF and E21 and Q16 fully consistent and each can be attributed weight in the decision-making process.

## Public Safety

47. The Town and Country Planning (Control of Advertisements) Regulations 2007 state that factors relevant to public safety include;
- i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - ii) whether the display of the advertisement is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
  - iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle
48. In addition, the advertisement NPPG notes that with regard to public safety all advertisements are intended to attract attention but that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. In assessing an advertisements impact upon public safety the vital consideration is whether the advertisement itself, or the exact location proposed for its display, is likely to be distracting or confusing, that it creates a hazard to, or endanger people's lives.
49. In this regard the proposed fascia advertisements are positioned on external elevations which present to the River Wear and as such are not eminently visible in the wider locality. The freestanding pole mounted sign whilst visible in the wider locality does not appear unduly prominent and direct views are fleeting from the nearest adopted highway at Northroad/Crossgate. As such the Highway Authority offers no objection to the application.
50. All signage would therefore assimilate well into the surrounding streetscene and not endanger public safety in accordance with the requirements of policy Q16 of the CofDLP and NPPG relating to advertisements.

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## CONCLUSION

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51. The Town and Country Planning (Control of Advertisements) Regulations 2007 state that applications for advertisement consent should be considered only in terms of their impact upon amenity and public safety.



52. With regards to amenity, it is considered that all signage would be appropriately designed and located, and despite their illumination, would not have an adverse impact upon the character of the area or either designated or non-designated heritage assets. It would therefore preserve the character and appearance of the Conservation Area and the setting of the listed buildings in accordance with sections 66 and 72 of the Listed Building Act. The Council's Design and Conservation Officers raise no objections to the proposal.

53. Turning to public safety, no objections are raised by the Highway Authority and the signage would be designed and located so as to not affect highway safety.

54. The application is therefore considered to accord with CDLP Policies E3, E6, E22, E21, E23 and Q16, as well as key advice within the NPPF most notably in Parts 12 and 16.

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## RECOMMENDATION

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55. That the application be **APPROVED** subject to the following conditions:

1. This consent to display the advertisements is for a period of five years from the date of this permission.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Part 12 of the NPPF.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drawing No.	Description	Date Received
	Location Plan	25/10/2019
REV 04	Signage Section Detail	25/10/2019
101 A	Plans and Elevations As Proposed	25/10/2019
	Proposed Block Plan	25/10/2019

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Any advertisements displayed and any site used for the display of advertisements shall be maintained in a condition which does not impair the visual amenity of the site.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

4. 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.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

5. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

6. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

7. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway sign or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

8. The intensity of the illumination of the sign(s) hereby approved shall not exceed 250 candelas per square metre and the source of illumination shall not be intermittent or flashing.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 12 of the NPPF and in the interests of visual amenity in accordance with Policies E3, E6, E21, E22, E23 and Q16 of the City of Durham Local Plan 2004.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF

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## **BACKGROUND PAPERS**

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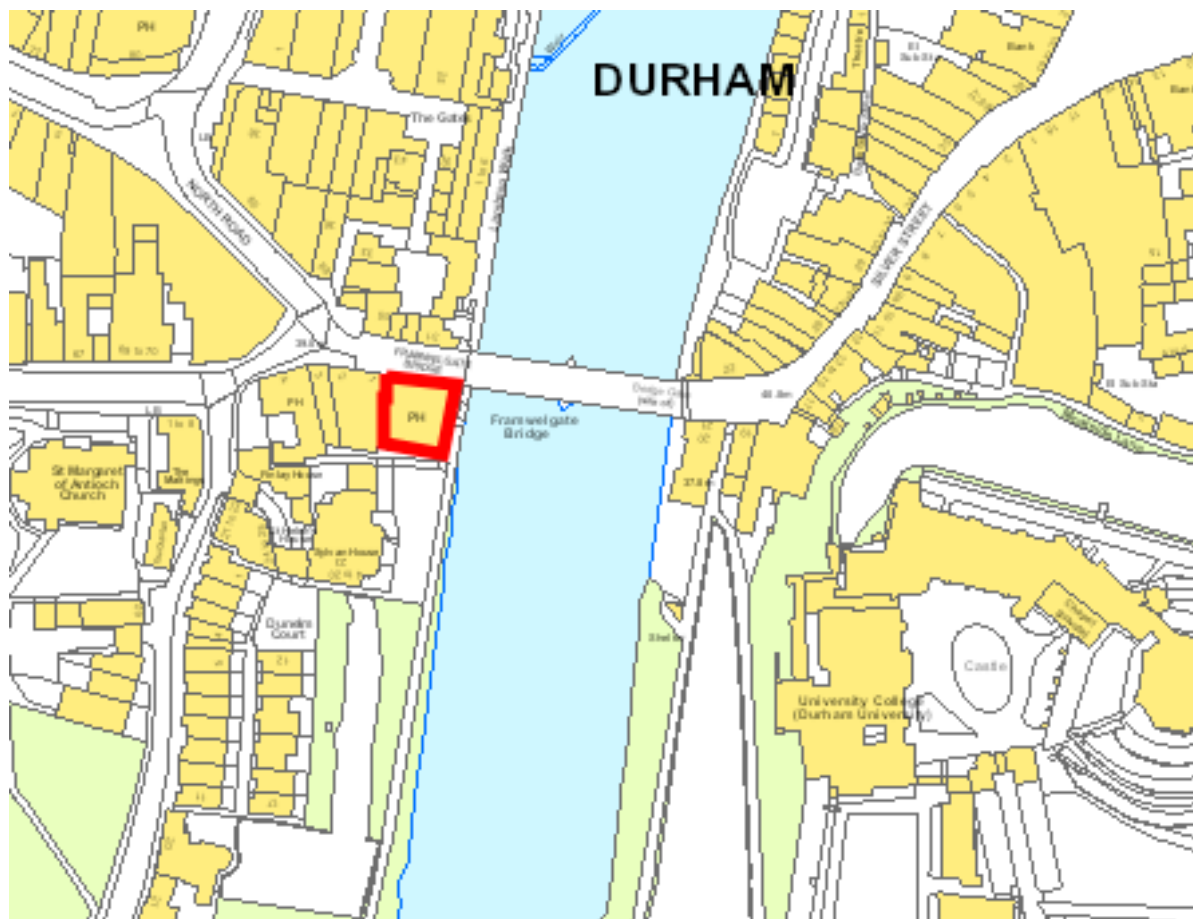
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham District Local Plan

Statutory, internal and public consultation responses



### Planning Services

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Advertisement consent for the display of 2 No. Externally Illuminated Hanging Signs and 1 No. Internally Illuminated Fascia Sign

### Comments

### Date

14 January 2019