

Appeal Decision

Site visit made on 30 March 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Z0116/H/16/3160776

Shah Jalal Jame Mosque, Stapleton Road, Eastville, Bristol BS5 6PE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') against a refusal to grant express consent and also against conditions imposed when granting express consent.
 - The appeal is made by Shah Jalal Jame Mosque against the decision of Bristol City Council.
 - The application Ref 15/05596/A, dated 2 November 2015, was refused in part by notice dated 31 August 2016.
 - The advertisement proposed is a freestanding digital advertisement display.
 - The conditions in dispute are Nos 10 and 12 which state that:
 - "10. *The sign shall not display any moving or apparently moving images; nor shall they display any telephone number, website or other social media messages.*"
 - "12. *The advertisements displayed shall not change more frequently than once every 30 seconds.*"
 - The reason given for both the conditions is: "*In the interests of highway safety.*"
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Decision

1. The part of the appeal that relates to the southwest facing display is dismissed.
2. The part of the appeal that relates to the northeast facing display is allowed and the advertisement consent Ref 15/05596/A for a freestanding digital advertisement display at Shah Jalal Jame Mosque, Stapleton Road, Eastville, Bristol BS5 6PE granted on 31 August 2016 by Bristol City Council, is varied by deleting conditions 10 and 12 and substituting for them the following conditions:

10. The sign shall not display any moving or apparently moving images.

12. The advertisements displayed shall not change more frequently than once every 10 seconds.

Preliminary Matters

3. The Council issued a split decision granting express consent for the structure and digital display facing northeast, but refusing consent for the digital advertising screen facing southwest. My decision relates firstly to the refusal of consent for the southwest facing display and secondly to the conditions attached to the express consent for the northeast facing display.
 4. The description of the development on the application form also included the erection of a women's prayer room, cold store/wash room and associated
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ancillary facilities. However it is not disputed by the parties that this appeal relates solely to the advertisement, and therefore I have considered the appeal on that basis.

Main Issue

5. The main issue in respect of both parts of the appeal is the effect of the advertisements on public safety.

Reasons

Southwest facing display

6. The advert would be located around 10 metres from the south east side of the M32 motorway and would face traffic travelling outbound from the city. The display would be generally level with the gantry sign above the inbound carriageway of the M32.
7. There is a slight bend in the M32 such that the first sighting of the sign when travelling outbound, would be almost directly in front of vehicles. However this would be from some distance and it is unlikely that drivers could appreciate the content of the advert from such a distance. As vehicles draw closer and reach a point where the content of the advert could be absorbed by drivers, it would appear distinctly to the off side of the road.
8. Also at this point, a slip lane for exiting the motorway at junction 2 starts and therefore vehicles are more likely to be changing lanes here than if there were no junction present, and in particular may be moving to the left to access the slip lane. Consequently drivers would need to concentrate carefully on the road before them. The Planning Practise Guidance (PPG) confirms that at locations where drivers need to take more care, such as at junctions, adverts are more likely to affect safety.
9. The PPG also states that adverts of an illuminated or unusual nature may distract drivers and that adverts on the skyline would be more likely to affect safety. The advert would not be seen against the backdrop of any building or in the context of any other advert, being quite separate from the adverts at 420-422 Stapleton Road, and especially any other illuminated advert. As such the advert would appear isolated, prominent in the skyline, alien in its context and would draw the eye away from the road. For this reason the advert would generally differ from the other examples, provided by the appellant, of adverts nationally alongside major roads and locally alongside the M32.
10. I note the Highways Agency raises no objection to the proposal. Nonetheless, this is based on the experience of the provision of adverts at other sites which, for the reasons outlined above, I consider are not directly comparable to the appeal site.
11. The accident record for the vicinity does not demonstrate that the stretch of the M32 near the site is particularly dangerous. Nonetheless, this does not mean the introduction of the advert would not compromise safety.
12. In summary, though I note that the purpose of the advert is to attract attention, I consider its isolation, prominence and position on the off side of the carriageway at a point where vehicles may be more likely to be changing lanes, would impact on the safety of users of the outbound carriageway of the M32.

13. In this regard my view is consistent with the Inspector in the appeal regarding a similar advert at 420-422 Stapleton Road¹ further south along the M32. Indeed, from the evidence before me, the proposed advert would appear to be slightly larger and further to the off side than that dismissed by that Inspector.
14. Paragraph 67 of the National Planning Policy Framework is clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore the effect on the viability of the extension to the mosque is not a matter I can take into account. Also, I do not consider a blank face would impact harmfully on visual amenity.

Northeast facing display

15. In respect of the northeast facing display, the Council have confirmed that, in light of the Inspector's decision on the aforementioned nearby appeal, they consider a 10 second frequency would be acceptable and therefore raise no objection to condition 12 being varied as suggested by the appellant. I have no reason to come to a different view.
16. With regard to condition 10, the appellant seeks to amend the condition so that the consent allows the display of telephone numbers, websites and social media messages. Section 3(4) of the Regulations advises that an express consent shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it is necessary in the interests of amenity of public safety. I do not consider the display of a number or website address would be distracting to drivers any more so than any other text on any illuminated advert.
17. As such, I consider that conditions 10 and 12 in the form as set out on the Council's decision are not necessary. However the conditions in the format as suggested by the appellant would be necessary in the interests of public safety.

Conclusions

18. For the reasons given above, and taking account of all other considerations, I conclude that in relation to the southwest facing advert the appeal is dismissed, but that in relation to the northeast facing display the appeal is allowed and I vary conditions 10 and 12 in the advertisement consent as set out in paragraph 2 above.

Andrew Owen

INSPECTOR

¹ APP/Z0116/H/16/3149170