



Appeal Decision

Site visit made on 16 June 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 4 July 2017

Appeal Ref: APP/Z0116/H/17/3170199

IT Centre, 14 Mina Road, St Werburghs, Bristol BS2 9TB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Ben Porte, Insite Poster Properties against Bristol City Council.
 - The application Ref 16/06415/A is dated 23 November 2016. The advertisement proposed is the erection of internally illuminated digital display and associated structure.
-

Decision

1. The appeal is dismissed and express consent is refused.

Background and Main Issues

2. The Council has confirmed in its written evidence that, had it been in a position to determine the application, it would have refused express consent for reasons relating to public safety and local amenity. Accordingly, I consider the main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

3. The proposed advertisement would be sited alongside a commercial building in an area characterised by both commercial and residential premises. It would consist of a free standing, internally illuminated, vertical digital display measuring around 7.5m high and 5m wide. Being located alongside the main approach into the centre of Bristol where there are a mixture of large buildings, it is the type of area that Planning Practice Guidance indicates may be suitable for such advertisements where they would not adversely affect the visual amenity of the surrounding area.
4. However, there are few other large signs within the immediate vicinity and it would be highly visible from within its immediate surroundings as well as from a number of properties along Gatton Road and Mina Road. The height and size of the proposed structure would draw the eye and result in a prominent addition to the surrounding area. It would appear in stark contrast to the more modest residential dwellings located nearby and would negatively impact on views from a number of vantage points along these residential streets.

5. While I accept that in terms of its orientation, the impact of the digital display itself would be limited, the overall structure would nevertheless appear prominent within the setting and it would dominate its immediate surroundings. Even taking the commercial context into account, its siting in close proximity to the modest, two storey terraced properties located nearby would have a considerably negative impact on the visual amenity currently enjoyed by local residents and on the wider public realm.
6. While I have noted the appellant's references to other permitted schemes on the M32 corridor which they consider to be comparable, I have not been provided with any specific details of such schemes. Furthermore, I observed on site that there were no other digital illuminated adverts in the immediate vicinity or others which resulted in a comparable impact to that which is currently proposed. As such, I do not consider there to be other examples which would act as a justifiable precedent.
7. Consequently, I conclude that the proposed sign would, by reason of its height, size and illumination, adversely affect the visual amenity of the neighbourhood. As such, notwithstanding the mixed character of the locality, I do not consider it would be the type of advertisement that is considered to be acceptable in such locations by the Planning Practice Guidance.

Public Safety

8. The appeal site is situated adjacent to the M32, a principal route which connects the centre of Bristol to the M4 Motorway. The M32 has a number of advertising billboards located at various points which are visible from the motorway. However, the majority of these are static and do not involve changing digital displays.
9. The proposed advertisement would be a large, highly visible and illuminated digital display angled towards on-coming traffic travelling south along the M32. It would be fully visible to drivers travelling south along the M32 and would involve a static display changing every 10 seconds which would enable drivers along this stretch of highway to experience more than one display.
10. However, as the Council acknowledges, there is good visibility along the approach allowing drivers to glance at any advert far in advance. Furthermore, this stretch of highway operates a speed limit of 40mph and I accept that there are no unusual complexities which require drivers to take extra care in manoeuvring along this stretch of highway.
11. Moreover, the proposal would not be too dissimilar to many other such structures located on the approach to major cities. There is little evidence to suggest that these have had a materially detrimental impact on public safety in general or that the particular configuration of this stretch of highway would result in any increased risk.
12. While I note the Council's concerns regarding the queueing experienced along the exit slip road, there is little robust evidence to indicate that this poses any material highway safety issues. In addition, although there is some evidence of accidents taking place along this stretch of highway, I note the comments provided by Highways England who have indicated that, subject to appropriate conditions, they do not consider the proposal would compromise public safety to the extent necessary to warrant a refusal of permission.

13. Accordingly, I am satisfied that the proposal would not result in a high risk of collision or be materially detrimental to highway safety along this stretch of highway.

Other Matters

14. The Council has referred to appeal reference APP/Z0116/H/3149170 in its written evidence, suggesting that the circumstances in that appeal are comparable to those in this appeal. However, it is clear that the Inspector in that appeal was concerned with, amongst other things, the fact that the sign in question was partially obscured as well as the specific conditions along that stretch of highway. I have seen nothing to indicate that these concerns are present to the same degree in the present case. In any event, each application should be considered on its own merit and that is the approach I have taken in determining this appeal.
15. The Council has cited a number of development plan policies in its reasons for refusal. I have taken these into account as material considerations. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking into account any material factors. As such they have not, in themselves, been decisive in my determination of this appeal.

Conclusion

16. Although I do not consider the proposal would be materially detrimental to public safety, I nevertheless consider it would be harmful to local amenity. Accordingly, for the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR