

Appeal Decision

Site visit made on 18 July 2017

by G Powys Jones MSc FRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/Z0116/Z/17/3175621
164-188 Bath Road, Bristol, BS4 3EF

- 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 JC Decaux UK Ltd against Bristol City Council.
 - The application Ref 16/05424/A, dated 3 October 2016, was refused by notice dated 21 March 2017.
 - The proposed advertisement display is the removal of the three existing advertisements (2x 12mx3m displays, 1x 6mx3m display), to be replaced with two internally illuminated digital advertisements.
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Decision

1. The appeal is allowed and consent for the removal of the three existing advertisements (2x 12mx3m displays, 1x 6mx3m display), to be replaced with two internally illuminated digital advertisements at 164-188 Bath Road, Bristol, BS4 3EF is granted in accordance with the terms of the application Ref 16/05424/A, dated 3 October 2016, subject to the five standard conditions set out in the Regulations and the following additional conditions:

i). The advertisement hereby consented shall be implemented in accordance with the details submitted with the application and shown on drawing numbers A01157/03 & A01157/04

ii). The advertisements hereby consented shall not be illuminated by flashing or intermittent lighting, but shall display static images only.

iii). The luminance of the advertisements shall not exceed 300cd/m².

Preliminary matters

2. The Framework's guidance on advertisement control underlines the fact that the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, the development plan policies referred to have been treated as material considerations. The Council has considered issues relating to public safety, but its objection is based on the alleged harm to amenity, expressed in terms of the advertisements' visual impact on their surroundings.

Main issue

3. The main issue is the effect of the advertisements on the visual amenity of their surroundings.
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Reasons

4. The site lies alongside the busy Bath Road (A4). The site is fenced off, and is predominantly grassed, but 3 hoardings are in place – two at the eastern end of the site and one at the western end. Between the advertisements is a length of retaining wall, covered entirely with a form of urban art. The intention is to replace the extant displays with two digital display panels of modern appearance, one at either end of the site. These will be slightly longer than two of the larger hoardings replaced, and will be supported on steel legs.
5. The site lies within an area of mixed uses, both commercial and residential, with residential development restricted to the southern frontage of Bath Road, either side of the site.
6. The officer amenity assessment of the proposal says:
'The application site whilst not within the conservation area, is near the River Avon. The backdrop to the site is a wooded escarpment next to the historic Arnos Vale cemetery. From this section of Bath Road there are open views from the site over the river and across the city. It is considered that there will be views back into the site from other parts of the site and the digital signs would be appear incongruous against this backdrop of mature trees and contrary to the aims of policy BCS21 of the Bristol Core Strategy.'
7. The River Avon flows parallel to the A4, but is separated from the appeal site by intervening commercial land so that its influence is not readily discernible at the site. The same could be said of the cemetery, for the same reason. Views from the site to the north are over commercial and industrial land, and to my mind, readily available views into and towards the site are restricted to short range views along Bath Road from both directions, and from the commercial land immediately to the north on the other side of the A4. The prominent mature wooded area set on rising land to the rear of the site would in my view retain its visual dominance and primacy in the townscape, even if the proposal proceeded.
8. Accordingly, I do not share the Council's view, or that of the Bristol Civic Society and some local residents, that the proposed advertisement display would harm local visual amenity. I am also content that such is the relative juxtaposition of dwellings and proposed advertisements that no direct harm to residential amenities would occur. The appeal shall therefore succeed.
9. Turning to conditions, the 5 standard conditions contained in the Regulations are imposed. Additionally, in the interests of certainty, the need arises to ensure that the proposed advertisements are displayed in accordance with the approved plans. In the interests of amenity and to ensure that passing motorists are not unduly distracted, a condition relating to the nature of the display and its brightness are imposed. These reflect the appellant's intentions.
10. I have considered all other matters raised, including the highway objections raised by third parties, but these are not supported by the Council. There is insufficient evidence to conclude that the replacement advertisement would materially affect highway safety. No other matter raised outweighs the considerations that led me to conclude that the appeal should be allowed.

G Powys Jones

INSPECTOR