

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/17/3175622

Land at 64 Bedminster Down Road, Bristol, BS13 7AB

- 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 16/05425/A, dated 3 October 2016, was refused by notice dated 21 March 2017.
 - The advertisement is the removal of the existing illuminated advertisement, measuring 12m x 3m, to be replaced by an internally illuminated digital advertisement, measuring 6m x 3m.
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Decision

1. The appeal is dismissed.

Preliminary matter

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.

Main issues

3. The main issues are the effect of the proposed advertisement on the amenity of its surroundings and on public safety.

Reasons

Amenity

4. The site lies alongside the busy Bedminster Down Road (A38) virtually at its junction with Winterstoke Road (A3029), which is partly light-controlled. An externally illuminated hoarding currently occupies the site. The extant hoarding would be removed and replaced by another of a significantly reduced size, but which would exhibit what is described as a digital display.
 5. The advertisement, whilst sited alongside a dwelling and a pub, would be more visible from the commercial properties on the other side of the road. Indeed, whilst other dwellings are also evident in the locality, the impression I gained is that the area in the immediate vicinity of the appeal site exudes a predominantly commercial character, accentuated by the busyness of the local highway network.
 6. In this context, the proposed advertisement, of a modern design, would not look out of place and there is no compelling evidence suggesting that it would
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harm residential amenity. Accordingly, I conclude that the proposed advertisement would have no material effect on amenity.

Safety

7. The advertisement would front a one-way highway that is part of a more extensive and fairly complex gyratory system. As traffic approaches the site from the south-west it is required to split into lanes, depending on the direction of travel. A left movement takes traffic off the A38 onto Winterstoke Road, towards Ashton Gate, whilst other traffic goes straight on to link with others of the City's roads. The advertisement would be displayed almost on this junction.
8. The appellant's original planning submission says that:

'There are important considerations between the relationship of advertisements and public safety. In particular, it regards the effect of the advertisement display on driver behaviour and its location to produce a distraction that would be considered a traffic hazard. The existence of roadside advertisements transport routes is a familiar sight. The long range view of the display along the A38 will ensure the advertisements will be visible for an appropriate amount of time such that there would be ample opportunities to acknowledge and register its presence without causing confusion.'

9. I consider the appellant to have minimized the complexity of the highway system in the vicinity of the appeal site and the subsequent need for undivided driver concentration when manoeuvring so as not to put the safety of other highway users at risk. Whilst acknowledging the presence of the extant advertisement, the proposed new display, in my opinion, would have a greater propensity for driver distraction.
10. Accordingly, I share the objection raised by the Council's City Strategic Transport Department in its detailed response to consultation on the application on 16 January 2017, for largely the same reasons.
11. I therefore conclude that the proposed advertisement would be likely to harm public safety on account of its distracting effect on passing motorists.

Overall conclusions and planning balance

12. I find in favour of the appellant on the first main issue, the effect on amenity. However, I find against the appellant on the second main issue, the effect on public safety. This is sufficient reason to dismiss the appeal.
13. I have considered all other matters raised in the representations, including the views of local residents and the Bristol Civic Society, together with the references to the *National Planning Policy Framework* and *Planning Policy Guidance*. No other matter raised outweighs the considerations that led me to conclude that the appeal should be dismissed.

G Powys Jones

INSPECTOR