
Appeal Decision

Site visit made on 11 October 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/Z0116/Z/17/3181305

Whitefriars, Lewins Mead, Bristol, BS1 2NT

- 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 Topland Mercury Ltd against the decision of Bristol City Council.
 - The application Ref 17/01761/A, dated 30 March 2017, was refused by notice dated 28 June 2017.
 - The advertisement proposed is the erection of a digital advertisement display unit measuring 3 metres by 6 metres.
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Decision

1. The appeal is allowed and express consent is granted for the display of the digital advertisement display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The advertisement will not include moving or apparently moving images and the nature of the changes between different advertisements shall not give the appearance of movement.
 - 2) No images which may be interpreted as road signs shall be displayed.
 - 3) No advertisement shall emit sound, smoke or odours.
 - 4) No message sequencing will occur nor interactive messages be displayed.
 - 5) The sequential advertisements will not change more frequently than once every 10 seconds and any sequential change between advertisements will take place over a period no greater than 1 second.
 - 6) The advertisement shall be equipped with a dimmer control and photo cell which shall constantly monitor ambient lighting conditions and adjust sign brightness accordingly.
 - 7) The intensity of the luminance of the advertisement permitted by this consent shall not exceed 600cd/m² in daylight hours and 300cd/m² between dusk and dawn.
 - 8) The advertisement shall go to a blank (dark) screen should it malfunction.

Main Issue

2. The main issue in this case is the effect of the proposed advertisement on the character and appearance of the area.

Reasons

3. The appeal site is a single storey addition to the front elevation of the Whitefriars office complex on Lewins Mead. It is situated in an area of the city which contains a mix of uses including retail, office, hotel and residential. However, it is predominantly commercial in character comprising of large scale development.
4. The proposed advertisement display screen would measure about 6 metres by 3 metres and would be sited at street level on the flank wall on the southwest corner of the building. Although it would be larger than other advertisements in the area it would be seen in the context of the surrounding large scale commercial development including the host building which comprises the Whitefriars office complex. Accordingly, I am satisfied that the proposed advertisement display screen would not appear overly imposing or out of keeping within the street scene even when viewed from the street level by users of the adjacent footpath or highway.
5. I saw from my site visit that the surrounding area contains existing illuminated elements such as street lights and traffic lights. Therefore, it seems to me that the proposed illumination of the screen would not result in it appearing overly prominent in this context. In any event its positioning would mean that it would be screened from the development to the south and west by the remaining parts of a pedestrian bridge which once spanned Lewins Mead to the south of the site and from the surrounding area to the south by the trees to the south/south east.
6. Whilst not forming part of the Council's reason for refusal I note that the Council's Delegated Report refers to the consultation response of its Urban Design Officer which indicates that the proposed advertisement would be located on the edge of a conservation area and suggests that it would impact on the setting of this heritage asset. The appeal is located to the north east of the St. Michael's Hill and Christmas Steps Conservation Area and the proposed advertisement would be separated, both physically and visually from it. The Conservation Area and the proposed advertisement would not be seen within the same views at any stage such that I consider that the proposed advertisement would have a neutral impact on the setting of the Conservation Area thereby preserving its character and appearance.

Conclusions and conditions

7. To conclude therefore, the proposed advertisement would not cause harm to the character and appearance of the area.
8. The Council refers to policies of the Bristol Development Framework Core Strategy (June 2012) (Core Strategy) and the Site Allocations and Development Management Policies Local Plan (July 2014) (SADMP) which it considers to be relevant to this appeal. Powers under Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore been decisive but are a material consideration. Given my conclusions above, the proposed advertisement would not conflict with policy BCS21 of the Core Strategy which seeks to ensure the delivery of high quality urban design or policy DM29 of the SADMP which indicates that external signage will be expected to adopt a scale, detail, siting and type of illumination appropriate to the character of the host

building, wider street scene and longer distant views. It would also not conflict with the National Planning Policy Framework in so far as it indicates that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

9. In addition to the five standard conditions set out in Schedule 2 of the Regulations the Council has suggested a number of conditions that it considers necessary in the interests of highway safety. With the exception of the suggested condition requiring the monitoring of the advertisement for a period of 6 months and the production of reports on its luminance and effect on the public highway which I am not satisfied passes the test of necessity, I consider that the other suggested conditions are necessary in the interests of highway safety.
10. For the reasons set out above I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR