The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/Z0116/Z/19/3225269
East of Sheene Road, Bristol BS3 4EG

- 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 Maxx Media Limited against the decision of Bristol City Council.
- The application Ref 18/06208/A, dated 27 November 2018, was refused by notice dated 28 February 2019.
- The advertisement proposed is replacement of existing screen with LED Digital Smartscreen.

Decision

1. The appeal is allowed and express consent is granted for the display of the LED Digital Smartscreen 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) No individual advertisement displayed on the LED screen shall contain any images that resemble road signs or traffic signs;

    2) If the installation breaks down, the screen shall default to a blank screen thereby avoiding any flashing error messages or pixilation;

    3) The digital display panel hereby approved shall only be in operation during the hours of 0630 to 2330 daily;

    4) The minimum duration of each image on the installation hereby approved shall be no less than 10 seconds and shall merge no quicker than 1.8 seconds per image;

    5) Within one month of the installation hereby permitted, the upper limit of luminance levels for the daytime period (between local sunrise and sunset) and the night-time period (between sunset and 2330) shall be submitted to and approved in writing by the Local Planning Authority. The installation shall thereafter operate in accordance with the details so approved.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the surrounding area.

Reasons

3. The appeal site is currently occupied by a large, double-sided advertisement located close to a busy highway junction. Based on the evidence that I have before me, the existing sign has been in situ for over 10 years. The sign is located close to an existing footpath and due to its size and siting, it is very prominent in the public realm. Within the immediate context of the appeal site there are numerous other advertisements of a comparable form and scale. Accordingly, the presence of such advertisements is a distinctive feature within the surrounding area.

4. The proposal would replace the existing back-lit signs with a digital sign which would enable images to be displayed and rotated. The proposal would have the same alignment as the sign it would replace, but it would be slightly smaller in height and width. It would also be noticeably less deep when viewed in profile.

5. The proposed digital screen and rotating images that it would facilitate would likely increase the prominence of the sign, particularly in hours of darkness. However, as identified above, the presence of large advertising displays is a defining attribute of the surrounding area. The sign would also be appreciably smaller than the existing structure. Due to the context of the appeal site as well as its smaller size, I am satisfied that the proposal would not contrast with the prevailing character and appearance of the area. Consequently, it would have a neutral effect on the amenity of the area.

6. The appeal site can be seen in long views looking south from Bedminster Conservation Area (CA). However, for the reasons identified above, these long views would not be materially altered and consequently, I am satisfied that the proposal would not be harmful to the setting of the nearby CA. Accordingly, due to the lack of harm, there is no need to weigh the proposal against any public benefits as required by the National Planning Policy Framework (the Framework).

7. I therefore conclude that the proposal would not harm the amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the proposal accords with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) which requires development to contribute positively to an area's character and identity.

Other Matters and Conditions

8. I note the concerns in relation to perceived unnecessary advertising, and the potential effect of the proposal on well-being as well as wildlife. I also note the concerns in relation to the energy consumption of the proposed installation. Despite this, both the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the Framework are quite clear that the only considerations that can be applied to proposals of this nature relate to public safety and amenity.

9. Amenity is a very broad term, but for the purposes of the Regulations it means aural and visual amenity, as well as factors including the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Even if it were to include general well-being as well as the other considerations identified above, I have not been provided with any

substantive or tangible evidence in relation to the effect of this particular installation that would lead me to a different conclusion on the main issue.

10. Although the Council has not objected to the proposal from a public safety perspective, concerns have been raised by interested parties in relation to the potential danger for pedestrians, cyclists, and other road users. However, these are not supported by substantive evidence. Consequently, I have no compelling reason to arrive at a different conclusion to that of the Council. Despite this, conditions are necessary in the interests of highway safety to control the timings, transitions, and content of any images displayed.

11. In light of my findings in relation to the main issue, conditions are necessary to restrict the hours of operation as well as to agree the luminance levels of the installation to guard against light pollution.

Conclusion

12. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR