



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: 12 August 2019

Appeal Ref: APP/Z0116/Z/19/3225044

Newfoundland Circus, c/o Dale Street, Entrance to Cabot Circus Car Park

- 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 Clear Channel UK Ltd against the decision of Bristol City Council.
 - The application Ref 18/06267/A, dated 1 December 2018, was refused by notice dated 23 January 2019.
 - The advertisement proposed is replacement of existing internally illuminated 48-sheet (6m wide by 3m high) advertising display with portrait orientated, internally illuminated, digital display (6.7m high by 4.8m wide).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description provided in the banner heading above has been taken from the appeal form rather than the application form. This is because it is a more precise description of the development proposed. In making this change, I am satisfied that the interests of the main parties have not been compromised.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the surrounding area as well as on public safety.

Reasons

Amenity

4. The appeal site is prominently located close to Cabot Circus Shopping Centre and at the end of a key route into the city centre of Bristol. It is also located close to the entrance of a large car park which serves the adjacent shopping centre. The site is currently occupied by a large advertisement that has a landscape profile. It is located close to the pavement and due to its size and prominent location, the sign is an imposing feature within the immediate street scene.
5. However, the height of the sign is significantly lower than the large buildings of the shopping centre which form its backdrop when viewed looking in a broadly south west direction. Therefore, despite the size and prominence of the existing sign, the prevailing built form is of a greater scale and is more imposing. As a consequence, the sign is demonstrably recessive to the scale, bulk and massing of the commercial architecture in which it is seen.

6. The proposed sign would be narrower than the sign it would replace. However, due to the proposed portrait form, it would be significantly taller. The increased height when combined with the prominent location would result in a structure that would compete more with the imposing architecture of the shopping centre. Indeed, from many views, the height of the structure would breach the height of some of the larger buildings.
7. The sign would also be clad in a textured material which would provide the structure with an almost sculptural quality. Whilst it has been designed to make a strong visual statement, due to the proposed height and external appearance, the structure would have an imposing presence that would be significantly more prominent than the sign it would replace. In doing this, the proposal would not be recessive or subservient to the mass and bulk of the skyline of the commercial architecture located behind it when looking south west. Moreover, when viewed in the opposite direction, the proposed sign would be significantly larger than the existing structure thereby adding to its imposing visual presence from the adjacent pavement.
8. Therefore, for the reasons identified above, I conclude that the proposal would have a harmful effect on the amenity of the surrounding 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 would fail to accord with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) which requires development to contribute positively to an area's character and identity.

Public safety

9. The appeal site is located close to a large and busy junction which has several lanes of traffic controlled by traffic lights as well as pedestrian crossings and which has been identified as an accident cluster site.
10. The Planning Practice Guidance (PPG) identifies eight types of advertisements ((a) – (h)) that may cause danger to road users. Type (b) relates to advertisements which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature.
11. The appeal is accompanied by detailed analysis on this point which concludes that due to the proposed siting, the impact of the proposed sign on the effectiveness or clarity of the traffic signals would be very limited. The Council have not responded to this analysis. Furthermore, within the Council's evidence that is before me, there is no substantive analysis to support the assumption that the proposal would harm safety at the junction.
12. Types (d) and (e) relate to advertisements that include LED technology and which incorporate moving or apparently moving elements. However, in relation to these matters, the appellant has confirmed that suitably worded conditions could be used to control the content of the screen. Based on the evidence that I have before me, I have no reason to disagree with this suggestion.
13. Types (a), (c), (f), (g) and (h) as identified in the PPG would not be directly relevant to the proposal.

14. Due to the proposed siting, size, and illuminated nature of the proposed advertisement, it would be likely to attract the attention of drivers using the junction. However, this is the purpose of advertisements and it cannot be directly inferred that this would automatically be harmful to public safety. Through the use of suitably worded conditions, the advertisement could be controlled so as to not unduly distract road users. Moreover, due to the proposed siting, it would not compromise the functionality or safety of the junction.
15. Consequently, despite the concerns from the Council, I have no substantive or compelling evidence before me that the proposal would cause danger to road users. I therefore conclude that the proposal would not have a harmful effect on public safety. Accordingly, it would comply with Policy BCS10 of the CS and Policy DM23 of the Site Allocations and Development Management Policies Local Plan (2014). Taken together, these require development to be designed and located to ensure the provision of safe streets and to not give rise to unacceptable traffic conditions.

Conclusion

16. The proposal would not harm public safety. However, this does not alter or outweigh my findings in relation to amenity. Consequently, for the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR