



Appeal Decision

Site visit made on 05 November 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/Z0116/Z/19/3237336

16 Feeder Road, St Philips, Bristol BS2 0SB

- 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 Mr Ben Porte against the decision of Bristol City Council.
 - The application Ref 19/03338/A, dated 5 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is replacement of existing 1no illuminated 96-sheet advertisement with 1no illuminated digital LED display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. During the appeal, a revised plan was submitted (PY3573/004/rev A). Under this revised proposal, the existing 48 sheet panels would be removed, leaving only the proposed digital light emitting diode (LED) display. This change does not substantially alter the nature of the proposal, and I am confident that the interests of interested parties would not be prejudiced by the revised plan being considered in this appeal. Therefore, the appeal has been considered on the basis of the revised plan.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed advertisement on public safety;
 - The effect of the proposed advertisement on amenity, including the setting of a listed building.

Reasons for the Recommendation

Public safety

5. The appeal site is located at an intersection between 4 heavily-trafficked roads in a largely industrial and commercial area of Bristol. This junction contains a

wide variety of street furniture, which competes for drivers' attention, including directional signs, signs giving orders (such as keep left, no entry, maximum vehicle height, and speed limit signs), lamp posts, traffic islands, and sets of traffic lights. Signage separate from the appeal site is present, the most prominent of which is the totem pole advertising Kia Motors. As such, there are already multiple competing demands on drivers' attention at this junction.

6. I observed that the junction was very busy, both from cars and cyclists but also from usage by Heavy Goods Vehicles (HGVs) and pedestrians. The usage by cyclists was particularly noticeable. The lack of formal pedestrian crossings, combined with the high traffic volume, makes this junction tricky to cross, as a pedestrian. Although a 'snapshot' in time, there is nothing before me to suggest my observations were untypical.
7. Evidence from the Council's Transport Development Management department states that this route is utilised by a high number of HGVs, and that accidents associated with HGVs can have more severe impacts. I have no reason to disagree with this assessment. The fairly high flow of pedestrians and cyclists indicates that this is a sensitive location, in terms of public safety.
8. The parties agree that there have been three recorded accidents at this junction in recent years, two involving a vehicle and a cyclist and one involving a vehicle and a motorcyclist. I note that the incident severity for all these accidents is described as 'slight', but the fact that collisions have occurred bolsters my assessment that at this junction, drivers in particular are faced with navigating a highly-trafficked space where their full attention is required, due to the amount of street furniture and the presence of cyclists and pedestrians. I am mindful of the Planning Practice Guidance which advises that proposed advertisements at points where drivers need to take more care (such as junctions) are more likely to affect public safety, and that there are less likely to be road safety problems if the advertisement is not on the skyline.
9. The proposal, to replace an existing 96 sheet panel with a digital 48 display (6m by 3m) (with existing 48 sheet panels to be removed), would be placed in a prominent location, which would be particularly visible on the approach from Feeder Road and also when turning right from Avon Street. Whilst the proposal would entail a reduction in the overall visual mass compared to the existing 96 sheet panel, a large portion of the proposal would be on the skyline, further complicating the street scene at this junction and adding to the cognitive load on drivers' attention, which may increase the risk of accidents at this sensitive location.
10. Conditions could be imposed to ensure that the advertisement complies with the thresholds set by the Institute of Lighting Professionals, and to ensure that ambient light conditions are monitored, with consequent adjustments in brightness levels. Nevertheless, this would not offset the prominent siting of the proposal, and its consequent draw on drivers' attention at a point where great care is required. The proposal would be set slightly apart from all the traffic light signal heads, but even so, the advertisement would unduly compete for drivers' attention at this junction. The removal of the existing 48 sheet panels would assist in this regard, but not to the extent that public safety would be assured.
11. A key feature of the proposal is its digital nature, in that the advertisement would change periodically. Although the timing of the change of display could

be controlled by condition, there is a high probability that the advertisement would change whilst a driver of a vehicle was waiting at the traffic lights, thereby drawing their attention to the advertisement, at a point when the driver should be focussing on the highway conditions. The good visibility on approach from both Feeder Road and Avon Street may assist on some occasions in allowing drivers to glance at any advertisement far in advance of the junction, but the changing nature of the proposal greatly increases the likelihood that drivers would look at the proposal more than once, with corresponding risks to public safety at this busy junction where vulnerable road users may be present.

12. I therefore conclude that, due to the nature of this junction and the siting of the proposal, the advertisement would have an unacceptable effect on public safety. Material to my findings are Policy BCS10 of the Bristol Development Framework: Core Strategy (adopted June 2011) (CS) which aims to ensure the provision of safe streets, and Policy DM23 of the Site Allocations and Development Management Policies: Local Plan (adopted July 2014) which seeks to avoid unacceptable traffic conditions, which the proposal conflicts with.

Amenity

13. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Planning Practice Guidance states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
14. Close to the siting of the new advertisement in Avon Street is a warehouse which was the former premises of the Marble Mosaic Company. This building is Grade II listed. The significance of this listed building derives in part from its architectural and historic contribution to the character of the area, stemming in part from its pennant rubble, brick and steel truss roof with corrugated sheets, which contributes to the partially industrial character of the area.
15. The area contains a mix of uses, including commercial uses, and the existing advertisements currently negatively impact on the setting of this listed building. The proposal would be separated from the listed building by the highway, the pavement and the river, and as the proposal contains an automatic adjustment facility to achieve appropriate brightness levels (including at night), in all likelihood the impact of the proposal would not be worse than the existing situation. As such, the setting of the listed building would be preserved by the proposal. Whilst an advertisement does not fall under the definition of development, there would be no conflict with the purposes of Policies BCS21 and BCS22 of the CS which seek proposals to deliver high quality urban design and safeguard or enhance heritage assets. My findings in this regard do not however overcome my concerns stemming from the first main issue, relating to public safety.

Conclusion and Recommendation

16. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR