



Appeal Decision

Site visit made on 24 February 2020 by A J Sutton BA Hons DipTP MRTPI

By Anne Jordan BA Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/Z0116/Z/19/3242186

199 Stapleton Road, Easton, Bristol BS5 0PA

- 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 JCDecauxUK against the decision of Bristol City Council.
 - The application Ref 19/04133/A, dated 23 August 2019, was refused by notice dated 14 October 2019.
 - The advertisement proposed is described as 'Removal of existing 12m x 3m internally illuminated display and 12m x 3m display followed by the installing an internally illuminated digital advertisement measuring approximately 6m x 3m.'
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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 Matters

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (Framework) and the Planning Practice Guidance reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. There is inconsistent reference to the name of the A4320 road in the submitted evidence. For the avoidance of doubt and in the interest of clarity it is referred to as Easton Way for the purposes of this decision.

Main Issues

5. The main issues are the effect of the proposed advertisement on the character of the surrounding area and on public safety for users of Easton Way and Stapleton Road.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons for Recommendation

6. The appeal site is set back to form a curved corner at the junction of Stapleton Road(A432) and Easton Way(A4320). The junction has traffic signals filtering three-way traffic flows and provision for pedestrians crossing. Stapleton Road, east of the A4320 and near the appeal site, hosts a number of local shops and food outlets which provides the sense of a traditional local high street forming a spine through a relatively dense residential area. There are also residential areas opposite the junction, on the south western section of Stapleton Road, which comprise mixed density development including tower blocks surrounded by open space and parkland. Easton Way, a busy dual carriageway, bisects residential estates in this area connecting the M32 to local and wider through routes.
7. The proposal is for the removal of two advertisement displays (12m by 3m), one of which is internally illuminated and the installation of an internally illuminated digital advertisement, measuring approximately 6m by 3m to be positioned on a brick wall which forms the boundary of a property. The display would show illuminated images in a sequential motion and would be positioned to be viewed by road users travelling in a southerly direction along Easton Way.

Amenity

8. The Regulations define factors considered relevant to amenity, which include general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest. The Planning Practice Guidance, noting that this is not an exhaustive definition, clarifies that amenity is understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement ...where residents or passers-by will be aware of the advertisement². Whilst the proposed advertisement would not have an effect on aural amenity, it is designed to be large and clearly noticeable.
9. The Framework states that the quality and character of places can suffer when advertisements are poorly sited and design. Planning history indicates that the existing panels were granted consent in the 1970s and subsequent attempts to replace the adverts with digital displays have been resisted. Whilst the existing adverts are clearly an established feature in the street scene, they do not make a positive contribution to residential and mixed-use character of the immediate and wider area.
10. The proposal would reduce the number of adverts at the prominent junction which is well lit by streetlights, and the replacement display would be significantly smaller than the existing panels. However, the proposed digital display would be set higher than the existing, with changing illuminated images of a considerable size and would introduce a form of advertisement which would differ significantly from the appearance and style of the existing adverts. Although the total advertising area would be less, the proposal would be wholly incongruous with the character of the wider residential area due to its higher, and therefore, more dominant position and the nature of the illumination.

² Paragraph 079 Ref ID:18b-079-20140306

11. Whilst I note that the quality of the environment is diminished by the busy dual carriageway, and there are commercial uses close to the appeal site, the commercial uses are small and local in nature and the area is predominantly residential, formed by a number of estates which flank the A4320. The proposed digital display would not be a positive addition to the street scene and would further erode the residential and local centre character. The proposal would fail to take the opportunity to visually enhance the environment at this location.
12. I have nothing before me that demonstrates that the design of the proposed advert would be particularly outstanding or innovative. Its appearance would be similar to those prevalent in and more appropriate to a commercial centre setting. Furthermore, control of illuminance levels would not address the harm outlined above.
13. In light of the foregoing, it is concluded that the proposal would significantly harm the visual amenity of the area, and in doing so my decision is limited to the matters set out in the Regulations.
14. The proposal would also be contrary Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (Core Strategy 2011) and Policy DM29 of the Bristol Local Plan - Site Allocations and Development Management Policies 2014 (Local Plan 2014) which require development to deliver high quality urban design, contributing positively to an area's character and identity and responding appropriately to their importance and role in relation to the public realm.

Public Safety

15. The Regulations state factors relevant to the assessment of public safety which include the safety of persons using any highway³. The Planning Practice Guidance provides details regarding types of advertisements which may cause a danger to road users, highlighting externally or internally illuminated signs (incorporating either flashing or static lights) which because of their size or brightness could ... distract road-users, particularly in misty or wet weather, or those which are subject to frequent changes of the display⁴.
16. Whilst it is noted that advertisements are intended to attract attention, proposed advertisements at points where drivers need to take more care are more likely to affect public safety, for example, at junctions⁵.
17. The appeal site forms the backdrop of a busy junction which is heavily trafficked and provides the key pedestrian crossing which connects residential areas severed by Easton Way. The approach to the junction may be from a straight stretch of carriageway which provides clear visibility when approaching the signals. However, the character of the area changes rapidly from the access off the M32 transitioning to residential areas either side of the busy dual carriageway.
18. The Council has indicated that the location of the appeal site is a City's Site of Injury Accident Concentration. Whilst I have no specific evidence before me regarding the type and magnitude of incidents, it was clear when conducting

³ Town & Country Planning (Control of Advertisement) (England) Regulations 2007 3(2)b

⁴ Planning Practice Guidance Paragraph: 068 Reference ID: 18b-068-20140306 (d) iii & iv

⁵ Planning Practice Guidance Paragraph: 067 Reference ID: 18b-067-20140306

the site visit that absolute concentration is required by drivers at this section of road, given the nature of the surrounding area, the volume of traffic, presence of signals and road layout. Any further distraction in the form of the proposed digital display would be likely to create a hazard to drivers and pedestrians alike.

19. For the reasons outlined above, I conclude, due to the nature of road, the surrounding residential areas and the nature and siting of the proposal, the proposed advertisement would have an unacceptable effect on the public safety of road users and pedestrians at the junction of Stapleton Road and Easton Way. Although not decisive in this case, there would also be conflict with Policy BCS10 of the Core Strategy 2011 which requires development to be designed and located to ensure the provision of safe streets.
20. The decision notice references Policy DM23 of the Local Plan 2014, however this policy relates to transport development management and does not make specific reference to matters relating to public safety associated with the proposed type of development.

Other Matters

21. Any limited economic and sustainability benefits which would be derived from the siting of one proposed digital advert would not outweigh the harm to visual amenity and public safety outlined above. Nor would the proposed conditions address the identified harm.

Conclusion and Recommendation

22. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and concur that the appeal should be dismissed.

Anne Jordan

INSPECTOR