



Appeal Decision

Site visit made on 10 March 2020 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: 14th May 2020

Appeal Ref: APP/Z0116/Z/19/3242821

Avon Meads, St Philips Causeway, St Philips, Bristol BS2 0SP

- 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 Richard Page (Insite Poster Properties) against the decision of Bristol City Council.
 - The application Ref 19/04185/A, dated 22 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is described as, "Erection of two digital advertising displays
 - Display of illuminated static images on a 10 second sequential rotation.
 - No special effects including animation, flashing, or fading.
 - Illumination: Display will monitor and adjust to ambient light levels. Day max 600 candela/sqm. Night max 300 candela/sqm."
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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.

Main Issue

3. The main issue is the effect of the proposed advertisements on public safety.

Reasons for the Recommendation

Sign A

4. St Philips Causeway is a busy dual carriageway, which travels through industrial and retail areas, including the bustling Avon Meads Retail Park ('Avon Meads'). The active frontages at Avon Meads are visible to passing motorists. This includes an array of colourful signage, which competes for drivers' attention at the roundabout closest to the proposed location for Sign A.
5. The proposed digital advertising display would be 8m wide and 4m high and located adjacent to the southbound road of the main section of St Philips Causeway, with the display facing south-west. I observed that the roundabout closest to the proposed location for Sign A was very busy. Although a 'snapshot' in time, there is nothing before me to suggest my observations were untypical. St Philips Causeway contains cycle lanes, indicating that vulnerable road users may be present.

6. The road safety evidence shows that six accidents have occurred at this roundabout within a five-year period, including two close to the southbound entry to the roundabout. Whilst the incident severity for those accidents is classed as 'slight', the number of accidents demonstrates that this roundabout is a sensitive location. I am mindful of the Planning Practice Guidance¹ which states that proposed advertisements at points where drivers need to take more care (including roundabouts) are more likely to affect public safety.
7. The proposal would not be clearly seen by drivers approaching the roundabout from the flyover, which runs from the preceding roundabout (adjacent to Sainsbury's). I am satisfied that the new advertisement would be unlikely to affect the safety of users of the northern section of St Philips Causeway, because vehicles travelling south on this section of the road would be likely to be travelling at a low speed on the approach to the roundabout and the advertisement would be unlikely to prove a distraction given its siting and orientation south-west. Drivers travelling north on the main section of St Philips Causeway would be on a relatively straight stretch of road and the position of the advertisement relative to this section of road would be unlikely to cause an undue distraction.
8. However, due to its proposed location and size, the proposal would be in the field of view of drivers turning right at the roundabout into Avon Meads. As well as concentrating on vehicles already using the roundabout, drivers of vehicles undertaking this manoeuvre would be likely to be observing whether vehicles approaching the roundabout on the northern stretch of St Philips Causeway were entering it. In such circumstances there would be a high probability that the new advertisement with its changing illuminated images would cause a distraction to drivers of vehicles, at a point in the road where great care should be being taken. Such a distraction could result in conflict with other roundabout users.
9. The appellant has asserted that the proposal would be comparable to a road sign, and that the time taken for a driver to assimilate it would be between 1 to 2 seconds. Whilst this assertion has not been substantiated, even if that were to be the case, a driver distraction of 1 to 2 seconds on this highly-trafficked roundabout could cause a serious risk to public safety, where drivers are turning right into Avon Meads. This is particularly the case as vulnerable road users may be present.
10. In poor weather conditions, drivers would need to take extra care on this busy roundabout, especially considering the likely presence of cyclists. Further, the proposal would be particularly distracting in poor light conditions. At night, given its illuminated nature and the proposed proximity to the roundabout, it would be likely to result in a materially distracting feature on the roundabout where drivers need to be focussing their attention on the road. Specifically, the combination of darkness, rain, drivers' headlights, and the proposal as a large illuminated advertisement, close to the busy roundabout, gives rise to a substantial public safety concern.
11. It is recognised that drivers are more likely to be driving with an increased sense of awareness and caution than might otherwise be the case at the roundabout, and that Manual for Streets (Department for Transport, 2007) states that driver behaviour is not fixed. Additionally, advertisements are

¹ Paragraph: 067 Reference ID: 18b-067-20140306

common in and around retail areas. Also, conditions could be imposed to ensure that brightness levels accord with best practice (including at night), as could the timing of the change of display. Nevertheless, due to the proposal's location and size, the risk of significant driver distraction, and its corresponding impact on public safety, remains.

12. It is recognised that consent was granted for an internally illuminated advertising display at St Philips Causeway set slightly further away from the roundabout which provides access into Avon Meads². The consented advertisement was also smaller, with a smaller area of digital display. Whilst Inspector Kirby found that this advertisement was not harmful to public safety, I find that the difference in terms of the proposed advertisement's design and location is such that it would be materially different to the consented scheme. The proposed advertisement would be more prominent than the consented scheme and accordingly, its effect on drivers' attention at the roundabout would be much more pronounced. The granting of consent for this advertisement does not provide justification for the appeal proposal.
13. The appellant has referred to an appeal decision for two 48-sheet digital LED advertising displays in Warrington³, however that appeal involved a crossroads with signal heads rather than a roundabout with no signal heads, and so the 100m distance quoted by the appellant is not directly relevant to the circumstances of this appeal.

Sign C

14. The proposed advertisement would be sited close to the southbound carriageway of the northern section of St Philips Causeway, close to 2 directional road signs. This section of road is a dual carriageway and has a cycle lane along its length, which is not physically separated from the carriageway.
15. The advertisement display would be elevated above the height of the carriageway and would be seen at the same time as the directional signs which are encountered on the approach to the roundabout. The proposal would be likely to distract from these directional signs, due to its significant scale, luminosity, and LED changing sequence. Whilst the directional sign showing two roundabouts gives rudimentary information relating to the second roundabout which would be encountered upon passing Sign C, drivers may well wish to change lanes before the first roundabout, to ensure that they are in the correct lane when entering the second roundabout, particularly as there is a only a short distance on the flyover in-between the two roundabouts. Indeed, the directional sign provides drivers with information that may prompt a lane change before the first roundabout.
16. The appellant has calculated a 4.2 seconds travel time (at 40mph) between the proposed Sign C and the directional sign showing two roundabouts, but has not provided evidence to substantiate the claim that this would be enough for drivers to be able to assimilate the content of each sign separately, bearing in mind the other demands on drivers' attention, including other road users and the approaching roundabout. Additionally, whilst drivers may be slowing on approach to the roundabout, they may slow after the directional sign.

² Appeal reference: APP/Z0116/Z/19/3225844

³ Appeal reference: APP/M0655/Z/17/3178314

17. Accordingly, due to its proximity to that directional sign, Sign C would be likely to cause a distraction to drivers at the point at which they are processing this directional information whilst travelling at speed. In poor weather conditions, other road users may be less visible, including cyclists, and the likelihood of conflict occurring because of a driver being distracted would be likely to increase. As such, I consider that the proposal would cause an additional distraction at a point in the road where great care is required.
18. Conditions could be imposed to ensure that brightness levels accord with best practice (including at night), as could the timing of the change of display, but due to the size and location of the proposal, this would not adequately reduce the draw on drivers' attention on this stretch of road, where vulnerable road users may be present. Therefore, Sign C would also harm public safety.
19. In reaching this view, I have taken into consideration the accident data provided by the appellant and the presence of an existing advertisement on this section of St Philips Causeway. That sign is not viewed in the context of existing road signs as the proposal would be, and the data provided is based on the existing situation, not the proposed. Accordingly, these matters do not alter the conclusion that I have reached.

Overall assessment

20. The appellant has provided details of a number of case studies⁴. Case Study 1 relates to St Philips Causeway but involves an advertisement at a different location to the displays proposed in this appeal. In particular, that advertisement was further away from the directional signs. Case Studies 2 to 5 relate to signs in Manchester. Whilst I note that in those cases the evidence indicated that those LED displays may not have influenced driver distraction or public safety, the site-specific circumstances are likely to be different to those involved in this appeal. Accordingly, the evidence from the case studies does not alter my findings in relation to the appeal proposals.
21. I therefore conclude that, due to the local highway characteristics and the siting of the proposed advertisement displays, both of the advertisements would have an unacceptable and harmful effect on public safety. In accordance with Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), material to my findings are Policy BCS10 of the Bristol Development Framework: Core Strategy (adopted June 2011) 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. In accordance with paragraph 132 of the National Planning Policy Framework, it is appropriate for express consent to be withheld for both advertisements, in the interests of public safety.

⁴ Case Study 1 – LED Sign at St Philips Causeway, Bristol; Case Study 2 – LED Sign at Albion Street, Manchester; Case Study 3 – LED Sign at Mancunian Way / Princess Road, Manchester; Case Study 4 – LED Signs at Mancunian Way / Chester Road, Manchester; Case Study 5 – LED Sign, Princess Road, Manchester.

Conclusion and Recommendation

22. 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

23. I have considered all the submitted evidence and concur with the Appeal Planning Officer that both signs would be harmful to highway safety, with sign A being materially different to the advertisement that I granted consent for previously. Accordingly, the appeal is dismissed.

RC Kirby

INSPECTOR