
Appeal Decision

Site visit made on 19 May 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/Z0116/Z/19/3242617

Cabot Circus Car Park, Newfoundland Circus, St Pauls, Bristol BS2 9AB

- 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 against the decision of Bristol City Council.
 - The application Ref 19/0462/A, dated 23 September 2019, was refused by notice dated 18 November 2019.
 - The advertisement proposed is described as 'the retention of existing illuminated 48 sheet display.'
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Decision

1. The appeal is allowed and express consent is granted for the internally illuminated 48 sheet display 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) The intensity of the illumination of the advertisement permitted by this consent shall be within that recommended by the Institute of Lighting Professionals (for a sign within Zone 4) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The advertisement display shall be static.

Procedural matters

2. The plans submitted illustrate the sign which is currently in situ. I have therefore determined the appeal on the basis of advertisement which I saw at my visit albeit with reference to the technical specifications provided. For clarity, the description of the express consent granted above in paragraph 1 differs from the description referred to in the application form to better reflect it being a new express consent. In making this change I am satisfied that no parties will have been prejudiced in any way.
3. It is understood from the Council's evidence that a discontinuance notice in relation to the existing display has been issued, however this has had no bearing on my determination of the appeal. I have also dealt with another appeal (APP/Z0116/Z/19/3242812) on this site. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the advertisement on amenity.

Reasons

5. The advertisement is located close to the access and egress of the multi storey and surface level car parks associated with the Cabot Circus Shopping Centre. The advertisement sits in a prominent position at the end an arterial route to the city centre from the M32. The visual amenity of the area is defined by the large modern architecture of the shopping centre and neighbouring buildings as well as the wide space created by the main road and adjacent footway. The abundance of street furniture including streetlights, pedestrian crossings and CCTV monitoring equipment further adds to a modern urban appearance.
6. The existing 6m x 3m, 48 sheet, static, internally illuminated landscape advertisement was granted express consent in 2011. The supporting structure is located amongst vegetation and mesh fencing, in a well maintained verge, with the screen itself sitting above it. The structure as a whole is clearly visible to passers by given its prominent location.
7. Although the screen is large and clearly visible, the height of the screen is substantially lower than the built form of the shopping centre and neighbouring buildings which make up its backdrop, reducing its prominence, scale, form and massing significantly. Albeit clearly visible by virtue of its siting, the overall appearance of the structure is softened by the vegetation and fencing which it sits amongst, with the overall arrangement also providing some positive screening to the surface carpark behind.
8. Further to the modern urban appearance of the area, the abundance of illuminated street furniture and lighting from nearby buildings, the advertisement does not appear as an isolated form in marked contrast to that around it. As a result, notwithstanding the Council's comments, the advertisement is not overly dominant or overbearing, but rather recessive to the existing built form when seen at close quarters and when approaching it.
9. The main parties have made reference to a previous appeal decision (APP/Z0116/Z/19/3225044) dated 12 August 2019, concerning the replacement of the current advertisement with a larger one at the same location, which was dismissed. Albeit this appeal is determined on its own merits the previous decision must be afforded weight in the decision. The previous decision included reference to the existing advertisement's effect on the local visual amenity, which is similar to that stated above. No evidence has been provided to consider this to have substantially changed since the summer of 2019.
10. From the evidence provided by the main parties it is understood that the current display has brightness levels exceeding those recommended for advertisements of this size by the Institute of Lighting Professionals in this type of urban area (Zone 4) in its Professional Lighting Guide 05, Brightness of Illuminated Advertisements. An appropriate condition would remedy this disparity in future, thus ensuring that the advertisement is not excessively bright, particularly in hours of darkness.
11. Although the display was seen to be static on my visit and the application makes reference to the display being static, the description of the advertisement does not. If the display were to show intermittent displays this would make the advertisement far more conspicuous in the streetscape and hence detract from that around it. Therefore, to avoid any scope for ambiguity

in future, a condition ensuring that only static displays are shown is considered necessary.

12. Further to the above, with the use of appropriate conditions controlling the advertisement's appearance, I do not consider the advertisement to have a harmful effect on the amenity of the area.
13. In reaching my decision I have taken in to account policy BCS21 of the Bristol Core Strategy, 2011 and policies DM26, DM27 and DM28 of the Bristol Local Plan Site Allocations and Development Management policies, 2014. All of which, amongst other things, seek to protect local amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Other matters

14. An objection was received by the Council regarding the perceived effect of the advertisement on highway safety. The existing advertisement has been in place for around eight years meaning adequate time has passed to reasonably evidence any demonstrable safety issues, similarly the highway authority has not raised any objections to the proposal.

Conditions

15. In addition to the five standard conditions for advertisements, further conditions are necessary in the interests of amenity. As such, conditions relating to the brightness and imagery of the display are needed to ensure against harm to amenity albeit I have altered conditions suggested by the appellant in order to meet the tests set out in Paragraph 55 of the National Planning Policy Framework, 2019.

Conclusion

16. For the reasons above the appeal is allowed.

Matthew Scriven

INSPECTOR