
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: 23 June 2020

Appeal Ref: APP/Z0116/Z/19/3242812

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 19/04090/A, dated 21 August 2019, was refused by notice dated 16 October 2019.
 - The advertisement proposed is described as the 'replacement of existing internally illuminated 'backlight' landscape advertisement (6m by 3m) with an internally illuminated landscape D-Poster display (8m by 4m).
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Decision

1. The appeal is dismissed.

Procedural matters

2. It is understood that a discontinuance notice has been served relating to the existing advertisement which this advertisement would replace. However, this has had no bearing on my determination of the appeal. I have also dealt with another appeal (APP/Z0116/Z/19/3242617) on this site. That appeal is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The proposed 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 proposal would sit in a prominent position at the end of an arterial route to the city centre from the M32. The visual amenity of the area is positively 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. Whilst commercial in nature, the buildings and infrastructure form an attractive townscape of contemporary appearance and established character.
5. A smaller, internally illuminated, landscape advertisement is currently situated at the location. This in addition to the abundance of street furniture including streetlights, pedestrian crossings and CCTV equipment creates a modern urban appearance to the area.

6. The proposed advertisement would be a large, internally illuminated landscape 'D-Poster', which would display intermittent imagery. The advertisement screen would sit upon a structure located amongst existing vegetation in a well maintained area of verge, close to the main road and footway, as such being clearly visible to passers by.
7. The scale and massing of the proposal is such that although it would be well below the height of nearby buildings and be seen against a modern urban form, it would not be subservient to its surrounds. Instead it would be in pronounced contrast to that around it by virtue of its large screen size and supporting structure, not only when seen at close proximity but also when approached from further away. This effect would be exacerbated by the use of an intermittent display which would only make the display more conspicuous in the vicinity as imagery changed. As such the proposed advertisement would be harmful to amenity. The proposed advertisement would partially screen the surface carpark behind and, as it is intended to replace an existing form, would not add to existing street clutter. However, any benefit of screening to the carpark would be far outweighed by the harm created by the proposal.
8. I note the appellant's argument with reference to the Planning Practice Guidance¹, that the site sits within a commercial context and as such could be a suitable location for an advertisement. However, the area has a character and appearance positively defined by the surrounding built form, which also appears to attract a high level of footfall and therefore the harmful effect on the amenity of the area would not be diminished by its commercial character.
9. The current advertisement, although in a prominent location, is generally subservient to the surrounding built form and recessive against its backdrop by virtue of the advertisement's overall size, massing and static display. The proposed screen would be far larger, incorporating an intermittent display, resulting in a harmful arrangement which would dominate the townscape.
10. The main parties have made reference to a recent appeal decision², dated 12 August 2019, concerning the replacement of the existing advertisement with a larger one at the same location, which was dismissed. The previous decision related to a taller portrait display however it is acknowledged that this proposal has evolved from that decision. Attempt has been made to lessen the prominence of the proposed advertisement structure by changing its orientation, the materials used and associated landscaping. As too the detail of the proposed screen itself has been amended to limit brightness. However, these measures would not overcome the fact that despite the prevailing space around it, the advertisement as a whole, would be of a strong visual dominance in the streetscape detracting from the prevailing form.
11. For the reasons above, the presence of the existing advertisement and the previous appeal decision do not therefore lead me to find that the proposed advertisement would not be harmful to amenity.
12. I have taken into 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 amenity and so are material in this case. Given I have

¹ Planning Practice Guidance; Paragraph 079 ID:18b-079-20140306

² APP/Z0116/Z/19/3225044

concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other matter

13. The appellant makes reference to the Council's decision being linked to their future aspirations for the development of the site. Irrespective of this assertion, it is clear that the proposal would have a harmful effect on amenity.

Conclusion

14. For the reasons above the appeal is dismissed.

Matthew Scriven

INSPECTOR