



Appeal Decision

Site visit made on 25 August 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/V3310/Z/20/3255346

120 St John Street, Bridgwater, TA6 5JE

- 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 against the decision of Sedgemoor District Council.
 - The application Ref: 08/20/00054 EC dated 27 February 2020, was refused by notice dated 26 June 2020.
 - The advertisement proposed is removal of existing freestanding 48 sheet advertising billboard and replacement with a freestanding 48 sheet advert to support a digital poster (D-poster).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on public safety on the roads and the amenity of the area.

Reasons

Public safety

3. The appeal site forms the flank wall of Number 120 St John Street (No. 120) a residential property, adjacent to a busy traffic roundabout where St John Street joins Westonzoyland Road and becomes the A372. This is a main thoroughfare within Bridgwater. The roundabout also provides access to car parking and Bridgwater Railway Station to the east. There is a controlled crossing located a short distance to the west of the roundabout on St John Street. The surrounding area is predominantly residential but interspersed with a few commercial uses including pubs and a hot food takeaway.
4. The appeal proposal would replace an existing free-standing 48-sheet advertising billboard with a digital poster (D-poster) of a similar size which would display multiple static advertisements which would be capable of rotating to change the display every ten seconds. The signage would be illuminated from behind.
5. Paragraph 67¹ of the Planning Practice Guidance (PPG) sets out that all advertisements are intended to attract attention but proposed advertisements

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

at points where drivers need to take more care are more likely to affect public safety. This includes at roundabouts, pedestrian crossings or other places where local conditions present traffic hazards. It seems to me that the appeal site is in such a location.

6. The proposed D-poster would be visible to drivers approaching the roundabout from the west along St John Street including on their approach to the controlled crossing. It would also be visible to drivers waiting to enter the roundabout from Westonzoyland Road. At the time of my site visit, I observed the area was busy with pedestrians, cyclists and motor vehicles and that several vehicles were completing a full rotation of the roundabout to enable them to access All Saints Terrace off Westonzoyland Road. I also saw that traffic, although not fast moving, was frequently stopping at the entrances to the roundabout as well as at the controlled crossing.
7. The A372 is a relatively straight and well-lit urban street with unobstructed sight lines. However, given the high level of pedestrian and vehicle activity within the area, the location of the illuminated D-poster with a changing display adjacent to a busy roundabout and close to a controlled crossing would be a distraction for all road users at this busy location. Furthermore, whilst vehicles are stationary at the crossing or roundabout entrance, it seems likely that drivers may see more than one or two messages on the changing display which could increase the risk of driver's being unduly distracted. This in turn would increase the risk of conflict between road users which would be harmful to highway safety.
8. Whilst the proposed D-poster would be visible to drivers at the controlled crossing, the position of the traffic lights is such that they would be viewed against the backdrop of adjacent buildings. I am therefore satisfied that the signal head would not be lost from view within the illuminated advert, and that it would still be clear to drivers what colour the traffic signals were. Nevertheless, this does not overcome the harm arising from the distraction caused by the changing image and illumination of the D-poster at this busy location.
9. I acknowledge that there has been an existing advertisement in this location for over ten years, however the proposal, in introducing both illumination and a changing display, would make it more distracting for the reasons I have set out. Whilst I accept that the level of illumination and frequency of rotation could be controlled and that the advertisement would not include moving or flashing images, given the high level of activity and mix of road users at this location I am not satisfied that this would overcome the harms I have identified.
10. I therefore conclude that the proposed D-poster would by reason of its illumination and changing image, adversely affect public safety on the roads. I have taken into account policy D13 of the Sedgemoor District Council Local Plan 2019 (Local Plan) which supports proposals that enhance road and personal safety and so is material in this case. Given I have concluded that the proposal would harm public safety on the roads, the proposal conflicts with this policy. It would also not accord with the National Planning Policy Framework (the Framework) which seeks to ensure development does not have an unacceptable impact on highway safety.

Amenity

11. The surrounding area is predominantly residential in character within a relatively busy urban setting. The A372 which runs through the area dominates, nevertheless the site is outside of any defined town or neighbourhood centre or other commercial area. In addition to the existing billboard and series of smaller advert boards on the flank elevation of No. 120, there is a further non-illuminated billboard on the opposite side of Westonzoyland Road junction on the flank wall of a terrace fronting St John Street.
12. The existing billboard occupies a prominent position and a significant proportion of the gable elevation of No 120. As the proposal is of a similar size and position to the existing advertisement, the question is whether or not the illumination and changing images of the D-poster would be significantly harmful to visual amenity. In my view, the introduction of illumination and a changing display of static images would introduce a more commercialised form of advertisement that would be more dominant and visually intrusive within the streetscene. Given that this is a residential rather than commercial area, albeit on a busy street, this would adversely affect the visual amenity of the area.
13. Even though the illumination of the display would be significantly reduced at night, and the number of street lights I saw on my site visit suggests that the street is relatively well lit at night, there were no other comparable illuminated advertisements visible in the area. In this context, the proposed D-poster would be both conspicuous and intrusive in the street.
14. The proposed D-poster would be directly opposite windows serving residential properties at Numbers 4 and 5 Steampacket Terrace a short distance away on the opposite side of the junction of Westonzoyland Road. Although outlook from these windows is towards the existing similarly-sized billboard, the introduction of illumination and the rotating image to an advertisement of this size would make this more prominent and visually intrusive when viewed from these nearby windows. Even if light spill into the property were to be minimal as indicated by the appellant, this would not overcome the effect on the outlook from these windows. This would be harmful to the visual amenity of occupants of these properties.
15. I have taken into account policies D2, D24 and D25 of the Local Plan which together seek to protect amenity and any harms arising from light pollution and so are material in this case. Given I have concluded that the development would harm visual amenity, the development conflicts with these policies. I also find conflict with the Framework, which sets out that poorly placed advertisements can have a negative impact on the quality and character of places.
16. I have considered the conditions suggested by the appellant to secure controls over the display of images. However, these would not overcome the harm I have identified as they would not address the overall prominence of the advertisement resulting from the digital display, nor would they suitably address the effect of the constant digital illumination or changing images which would contribute to that harm. I do not consider therefore that these conditions, or others, would be sufficient to mitigate the harm to amenity which I have identified.

Other Matters

17. I appreciate that the appellant considers the Council did not work proactively during the application stage to request additional information or to discuss potential solutions. However, this is a procedural matter and not relevant in my assessment of the planning merits of the scheme.
18. The proposal would provide some limited social and public benefits in that the digital nature of the advert would enable the display to be used for non-commercial purposes and to support the display of emergency messages. Whilst these are positive aspects of the scheme, they do not outweigh the harms I have identified.

Conclusion

19. For the reasons given above and having had regard to all matters raised including the lack of objection from the Town Council, the appeal is dismissed.

Rachael Pipkin

INSPECTOR