
Appeal Decision

Site visit made on 22 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/Z0116/Z/21/3272070

Land on the south side of Bedminster Down Road, Bedminster Down, Bristol, BS3 3AS

- 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 J C Decaux against the decision of Bristol City Council.
 - The application Ref 20/06128/A, dated 18 December 2020, was refused by notice dated 2 March 2021.
 - The advertisement proposed is a single sided illuminated, sequential, landscape display.
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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.

Preliminary 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. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety of those using the adjacent highway.

Reasons for Recommendation

Amenity

5. Whilst amenity is not defined exhaustively in relevant Regulations, it does indicate that relevant factors include the general characteristic of the locality, including the presence of any features of historic, architectural, cultural or similar interest. The Planning Practice Guidance (PPG), noting that this is not

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

- 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 advertisement. Given the nature of the proposal, it would not have an effect on aural amenity and my considerations relate to its effect on visual amenity.
6. Paragraph 132 of the National Planning Policy Framework (Framework) highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.
 7. The appeal site is in a prominent location with a backdrop of low-profile commercial premises. However, the surrounding urban area is predominately residential, with dwellings fronting the public highway to the north and west opposite the site. The site is particularly prominent when viewed from the higher vantage point to the north. It currently hosts a number of large print image advertisements. There are also further examples of large advertisement at the gable end of nearby dwellings to the north. However, none of these are of the digital type with changing images. Other advertisements in the area are limited to smaller illuminated advertisements on bus shelters or fascia signs at commercial premises.
 8. Whilst there would be a significant reduction in advertising at the appeal site the replacement panel would be distinctly different in terms of type from those it would replace and would be substantially higher. It would introduce a stridently commercial feature, close to residential properties, which would not be in keeping with the character of this mixed-use area where adverts are generally low key in style and type. It would harmfully alter the appearance of the prominent site and would be a highly visible and incongruously dominating feature which would not harmonise with the character of the area. This harm would not be sufficiently offset by the benefit of reducing the clutter of adverts at the appeal site. I therefore conclude the proposal would have a harmful effect on the visual amenity of the area.
 9. Although not determinative in this case the proposed advertisements would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) and Policies DM26, DM28 and DM29 of the Sites Allocations and Development Management Local Plan (LP) which collectively require high quality urban design and contribute positively to an area's character and identity.

Public Safety

10. The Regulations state factors relevant to the assessment of public safety which include the safety of persons using any highway². Adverts are intended to attract attention but advertisements at points where drivers need to take care are more likely to affect public safety, for example at junctions and pedestrian crossings.³ PPG 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 display.⁴

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

³ Planning Practice Guidance Paragraph: 067 Reference

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

11. The appeal site is located at a busy road interchange which forms part of a main transport route allowing access to the City and strategic routes to the south on the A38. It is close to the Parsons Street Railway Station. The carriageway, immediately fronting the site, is multi-laned, with the route option for vehicles travelling south limited to Parson Street. Vehicles approaching from the west can turn on to Parson Street or go north towards the City Centre. There are signals controlling traffic and these also serve as pedestrian crossing for access to surrounding schools, services and the station. As such the busy and complex junction requires particular attention by motorist to ensure safety of other highway users.
12. The proposal would be most noticeable when approaching in a southerly direction. Whilst route choice is not as challenging in this direction, motorists require full attention on this busy route where pedestrians are numerous given the surrounding dwellings, school and nearby station.
13. The panel would be within the zone of drivers vision immediately by the junction when approaching in a westerly direction. This is at a point where motorists require particular focus on lane choice, traffic signals and other highway users, most notably pedestrians and cyclists in this busy area.
14. The large electronic form with LED technology and changing images, would be substantially more distracting than the existing numerous print-based advertisements. The uncommon and therefore somewhat unexpected form in this mixed-use setting would draw attention when absolute focus is required on the complex carriageway to avoid conflict with other road users. Accordingly, highway conditions for pedestrians and other road users in the area would be materially less safe as a result. I therefore conclude that the proposal would have a harmful effect on the public safety of those using the adjacent highway.
15. Although not determinative in this case the proposal would be inconsistent with Policy BCS10 of the CS and DM23 of the LP which collectively require proposals should be designed and located to ensure the provision of safe streets.

Other Matters

16. The history of advertising at the site is not a justification for a harmful proposal.
17. The benefits arising from a replacement boundary and any environmental gains with regards maintenance of the advertisement are not matters which can be considered within the scope of the Regulations. Accordingly, I attach these matters limited weight in this appeal.
18. Conditions would not address the harm identified in this case for the reasons outlined above.

Conclusion and Recommendation

19. 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

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

RC Kirby

INSPECTOR