
Appeal Decision

Site visit made on 6 December 2021 by B Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Z0116/Z/21/3284408

143 Lawrence Hill, Bristol BS5 0BT

- 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 Wildstone Estates Limited against the decision of Bristol City Council.
 - The application Ref 21/00891/A, dated 17 February 2021, was refused by notice dated 12 August 2021.
 - The advertisement proposed is described as 'upgrade existing 48-sheet advert to support digital poster'.
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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.

Procedural Matter

3. The postcode for the site differs on the appeal submissions. In the address above I have used the postcode from the Council's Notice of Decision, which is consistent with the one used on the Appeal Form, I am satisfied that there is no ambiguity in this respect.

Main Issue

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

Reasons for the Recommendation

Amenity

5. Whilst amenity is not defined exhaustively within the Regulations¹, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Planning Practice Guidance (PPG) states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood.

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

6. Lawrence Hill is a busy main thoroughfare running to and from the centre of Bristol. Around the appeal site the road is mainly commercial in character. The surrounding buildings are varied in scale, from two, three or four storey terraces with ground floor retail units to larger commercial units. The appeal site is located at the signalised junction of Lawrence Hill and Earl Russell Way, which provides access to a Lidl Store, some industrial units and the Lawrence Hill railway station. The proposed digital screen would be prominently located on a gable end facing across this junction and would be highly visible from Lawrence Hill.
7. The gable end currently has a large painted advertisement on it at present. I understand that an externally illuminated advertisement was in place on this gable end for a number of years, including rotating prism signage for several years, which has only recently been removed. Although the Council states that it did not have the benefit of express advertisement consent, there is no evidence before me that any action was taken to discontinue the display.
8. There are a number of fascia signs and advertisements of differing size and height along the street, including a freestanding Lidl totem sign and a substantial internally illuminated gable end sign at 108 Lawrence Hill. These form part of the commercial character and appearance of the area. In this context, and particularly given the longstanding presence of an illuminated sign of the same size and position, the proposed digital sign would not look out of place and would not appear incongruous. Although it would obscure the painted signage, which contributes to the character and history of the area, this was previously the case for many years until relatively recently. Consequently, the proposal would not materially harm the character of the area in this respect.
9. I acknowledge that a digital screen would be more prominent than other advertisements in the local area, given its proposed scale and siting. However, the level of illumination could be regulated by condition which would help reduce its visual impact. In this case the appellant has stated that the illuminance of the digital display would be limited to a maximum of 300 candelas per square metre (cdm) at night, although would accept that this is reduced to 150 (cdm) and turned off during part of the night. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the busy and well-lit nature of the road and the presence of commercial premises. Similarly, the speed and rate at which the display changes and the prevention of video or moving images could also be controlled by condition.
10. Accordingly, in this mainly commercial area, and given the amount of other signage in the immediate surroundings, I conclude that the proposed digital display would not be unacceptably prominent or visually intrusive in this street scene. Consequently, the proposed advertisement would not result in harm to the visual amenity of the area.
11. I have taken into account Policy DM29 of the Site Allocations and Development Management Policies (July 2014) (DM) which, in relation to external signage, seeks to protect amenity and so is material in this case. As I have found that the proposal would not harm amenity, the proposal does not conflict with this policy.
12. Policy BCS21 of the Core Strategy (June 2011) (CS) and DM Policies DM26, DM28 are referred to by the Council, however these relate specifically to

development. In planning terms, advertisements are not development, therefore the policies are not relevant factors in this instance.

Public Safety

13. Whilst the road is straight with good visibility, in close proximity to the appeal site are the signalised junction with pedestrian crossings, the right turn lane to Earl Russell Way, bus stops and bus lanes, cycle lanes and advance cycle stop markings and a pedestrian crossing. Consequently, while I note the 30mph limit of this part of the road, drivers need to concentrate carefully, looking out for vehicles turning into Earl Russell Way, buses, cyclists and pedestrians. I therefore consider that this is a location which places significant cognitive demands on drivers.
14. The location of the proposed advertisement means that it would be highly visible when approaching the appeal site from the west. For cars or cyclists waiting at the traffic lights near the junction, it would be seen prominently behind and slightly above the signal heads. Whilst drivers would be familiar with roadside adverts in this location, none are as prominent or close to this specific junction as that proposed.
15. I note the static nature of the proposed display, however the illuminated digital nature of the proposal would make it more prominent than the existing painted signage or the previous externally illuminated paper display. This would be particularly so at night or in wet conditions when the illumination of the advertisement would be more obvious.
16. Furthermore, when approaching the junction drivers would first see the digital advertisement on the end of No 108 and then the proposed advertisement in within a short distance and on opposite sides of the road. This could potentially result in drivers seeing the two images change at different times, causing them to look at both advertisements in succession, which would add to driver distraction.
17. Conditions restricting the luminance of the advertisement during the hours of darkness, even at 150 candelas per square metre, would not wholly prevent it from competing for the attention of road users to a greater extent than the previous signage. Similarly, whilst a condition restricting the hours of operation is suggested by the appellant, this would not include all hours of darkness or limited light when the sign would cause a distraction.
18. Consequently, the proposal would act as a further distraction to motorists using this stretch of road. In this location where local conditions present traffic hazards, I find the proposal would be likely to cause drivers of vehicles to look at the advertisement at a point where they should be concentrating on what is occurring on the highway. Road users may adopt a 'glance strategy' but given the number of variables on the road, the additional distraction would result in additional risks and consequent harm to highway safety.
19. In reaching this view I am mindful of the high recorded number of vehicles and consequent risk of conflict between different highway users. Whilst the appellant sets out that driver distraction was not a noted contributing factor to the recorded accidents nearby, the data provided is based on the situation at that time, without the proposed advertisement.

20. The case studies and appeal decision provided by the appellant are examples where digital advertisements have been found acceptable on public safety grounds and where accidents have not increased in the presence of such signage. However, from the limited details I have of those schemes, they do not appear to have the number of highway features within the immediate vicinity of the signage as this appeal site and I have no details about traffic conditions. Therefore, there is no compelling evidence before me that they are comparable to the scheme before me, which I must consider on its own merits, having regard to the specific site circumstances. Accordingly, these matters do not alter the conclusion that I have reached.
21. The advice set out by the Transport for London for Digital Roadside Advertising and Proposed Best Practice (March 2013) is noted, however it provides advisory guidance only, and sets out that it is *'clear that in certain circumstances, advertisements can contribute to driver distraction.'*
22. Accordingly, the proposed advertisement would result in unacceptable impacts on highway safety and therefore harm to public safety, and would conflict with the highway safety objectives of the PPG and Framework.
23. CS Policy BCS10 and DM Policy DM23 again refer to development rather than advertisements so are not relevant factors in this appeal.

Other Matters

24. I have had regard to the appellant's statement of case which outlines the benefits of the scheme. However, in accordance with the Framework and Regulations, my consideration of the appeal is confined solely to issues of public safety and amenity. Consequently, I am unable to take wider issues into account.

Conclusion and Recommendation

25. Whilst I have found that the proposed signage would be acceptable in terms of visual amenity of the area, I have found that it would cause harm to public safety. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR