
Appeal Decision

Site visit made on 4 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/V3310/Z/21/3280621

Location at Rosebery Avenue, Bridgwater, TA6 4PQ

- 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 Group Ltd against the decision of Sedgemoor District Council.
 - The application Ref 08/21/00068, dated 13 April 2021, was refused by notice dated 25 June 2021.
 - The advertisement proposed is for an upgrade to an existing 48-sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of an upgrade to the existing 48-sheet advert to support digital poster, 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 sign permitted by this consent shall be no greater than 150 candelas per square metre from dusk until dawn and limited to a maximum of 5000 candelas per square metre at all other times (daylight hours).
 2. The screen display shall only show two dimensional static images. Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 3. The advertising display shall have a system in place to ensure that, in the event of a malfunction, the screen defaults to blank.

Main Issues

2. The main issue is the effect of the signs on the public amenity of the area and highway safety.

Reasons

Highway/Public Safety

3. The proposed digital advertisement would replace a 48-sheet advertisement hoarding that exists on the corner of Rosebery Avenue and Bath Road (the

- A39). Bath Road in particular is a busy highway linking with the Cross Rifles Roundabout on an approach into Bridgewater.
4. Being digital and illuminated, I would agree with the Council that the proposed advertisement would be more prominent than the existing poster hoarding. However, it is nonetheless the case that there has been a large advertisement on this location for many years, of approximately the same size as now proposed.
 5. The Council has raised the issue of the adjacent Zebra crossing and that the illuminated advertisement could distract drivers and pedestrians on or near the Zebra crossing. While the proposed advertisement would be illuminated, the appellant has advised they would be willing to accept conditions to limit the light intensity from the signage to the extent that there should be no issue with glare affecting drivers. Furthermore, on the approach along Bath Road to the southwest (the direction the advertisement would face) the crossing and the beacons would not be usually seen with the proposed advertisement in the background. It would instead be to the side of the crossing with enough separation distance that the nearest beacon for the crossing should be fully visible and apparent. As such, there should be no discernible reduction in the clarity and effectiveness of traffic signs and signals.
 6. Bath Road in this area is relatively straight and flat with good forward visibility. I noted that from the approach to the crossing and the roundabout beyond the illuminated advertisement is often partially screened by the terraced houses to the side of this road, whilst the crossing is continually visible with the beacons either side on this approach.
 7. With regards to the junction with Rosebery Avenue, vehicles emerging from this highway would need to give way to traffic on Bath Road and it is not clear from the evidence provided how an illuminated advertisement in this location would be an issue with such circumstances. I find it unlikely that the proposed illuminated advertisement would distract drivers pulling out from Rosebery Avenue onto Bath Road as the signage would not be in their main field of view when looking both directions along Bath Road. Furthermore, with the good levels of forward visibility along Bath Road it should be clearly apparent if there are vehicles looking to turn into Rosebery Avenue, even with the proposed illuminated signage. The proposed advertisement should also not be particularly distracting for drivers turning into Rosebery Avenue. Along Rosebery Avenue itself the advertisement would not be particularly visible as it is on the corner of the street but facing up Bath Road.
 8. I acknowledge that the crossing and the area generally has a high level of pedestrians walking through the area. However, with the proposed screen to display only static images there is no substantive evidence to suggest that pedestrians would be overly distracted to the extent that they would not take the usual level of care when crossing the road or leading to any other highway safety issues.
 9. Based on all these factors and site circumstances, whilst an illuminated sign in this location may be more prominent than existing, with appropriate conditions relating to light levels and keeping images static, there should be no material reduction in highway safety levels from those that exist. There have been incidents recorded in this part of Bath Road, but the evidence does not suggest

that this is a particularly dangerous section of highway or that the existing advertisements may have distracted drivers for example.

10. Policy D13 of the Sedgemoor Local Plan 2011-2032, requires that development enhances road safety. Whilst the proposal does not enhance road safety, it does not have an unacceptable impact on highway safety, as is the test in the National Planning Policy Framework (Paragraph 111).

Public Amenity

11. Within the area there is a mix of both residential and commercial properties, though some of the closest to the site appear to be commercial. In this setting, the proposed advertisement would not appear out of keeping, especially considering it is replacing an existing advertisement of similar size (albeit not illuminated).
12. The illuminated advertisement would be visible from the windows of some dwellings nearby, but with the controls on illuminance levels this should not result in light pollution, especially considering the separation distances and the fact that there is already street lighting. The images would be static and should be without flashing or animated effects, for example.
13. For these reasons, subject to conditions, the proposal should not result in any significant adverse impacts to the amenities of those living within neighbouring houses to the site, through light pollution or disturbance for example. The proposal is therefore in accordance with policies D24 and D25 of the Sedgemoor Local Plan 2011-2032. These policies require that development should not unacceptably impact upon residential amenity or result in unacceptably harmful levels of light pollution, amongst other things.

Conditions

14. As well as the standard conditions set out in the Advertisement Regulations, the consent will also be subject to non-standard conditions to prevent higher levels of illumination, a minimum time for each image to be shown, a maximum time between each image, and for a limitation on use of special effects. I also note the standard conditions include that signage should not be obscured or hinder the ready interpretation of any traffic signs.
15. These conditions are to avoid a display that may otherwise prove to be a significant distraction to highway users or a nuisance/disturbance to those living in the area.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

Mr S Rennie

INSPECTOR