



Appeal Decision

Site visit made on 29 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st April 2022

Appeal Ref: APP/P0119/H/21/3284494

88 High Street, Staple Hill, BS16 5HL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of South Gloucestershire Council.
 - The application Ref P21/00841/ADV, dated 9 February 2021, was approved on 13 August 2021 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is display of 1 no. internally illuminated digital advertising screen.
 - The condition in dispute is No. 3 which states that: *The changing frequency for the advertising screen hereby approved shall be a minimum of 30 seconds and there shall be no moving or flashing images.*
 - The reason given for the condition is: *In the interests of highway safety and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, and Policy PSP11 of the adopted South Gloucestershire Policies Sites and Places Plan, and the NPPF.*
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Decision

1. The appeal is allowed, and express consent is granted for the display of 1 no. internally illuminated digital advertising screen 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 condition:
 - 1) The changing frequency for the advertising screen hereby approved shall be a minimum of 10 seconds and there shall be no moving or flashing images.

Main Issue

2. Whether the disputed condition is necessary in the interests of public safety.

Reasons

3. The digital advert would face a minor road junction. It would be primarily visible to those to the west of the advert, who are moving eastward along High Street. This would include drivers who would approach the advert at the same time as the road junction. As well as the junction, an approaching driver would also be aware of the traffic lights serving the pedestrian crossing that is immediately to the north of the appeal site.
4. The Council is of the view that these characteristics place a high cognitive demand on road users, and that an advert that changes more frequently than every 30 seconds would create a distraction to drivers, to the extent that public

safety would be harmed. The appellant suggests that the condition the Council imposed to secure this should be replaced with one that restricts the minimum time to 10 seconds.

5. High Street is a relatively straight road with a 30mph speed limit. The road junction adjacent to the site connects Page Road, which is a minor road, to High Street. Drivers travelling east along High Street are not required to give way to those emerging from Page Road.
6. The digital advert would not be isolated but would be seen in the context of numerous shopfronts and associated advertisements. It would also not be in a position so elevated that it would draw a driver's attention away from the road.
7. Evidence suggests that drivers within the stopping sight distance of the pedestrian crossing would already be aware of the advert, so it would not come as a surprise that could cause a distraction. Furthermore, the traffic lights serving this crossing are to the side of the location of the proposed advert and thus the proposal would not conflict with a clear and unobstructed view of these signals. At my visit I observed that the driver of a car passing the advert in an easterly direction, at a time when traffic is free flowing, would not have sight of the advert for much longer than 10 seconds, during which no more than one advert change would be witnessed.
8. For these reasons, taking into account the evidence before me and an assessment of the site's characteristics that I was able to undertake at my visit, I consider that the cognitive demand on road users is not high.
9. In summary, the condition that the Council imposed is overly restrictive. With reference to paragraph 56 of the National Planning Policy Framework the condition is not necessary or relevant to the development permitted.
10. Evidence before me suggests that 10 seconds is a minimum time for changeover between adverts that is commonly used, and this is an approach that has frequently been accepted by other Councils and Inspectors. I am satisfied that a minimum of 10 seconds between each advert change is sufficient to ensure that drivers are not distracted by the advert, on the basis that the length of road over which the advert would be visible is limited, and the demands it would be likely to place on road users' attention would not be high. I therefore consider it appropriate to allow the appeal and impose the condition suggested by the appellant, to set a minimum time for changeover between adverts to 10 seconds. This would be necessary to ensure that the proposal does not have a harmful impact on public safety.
11. I have taken into account Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2007-2027. This seeks to ensure that proposals are well designed with regard to the safety of the public realm, and so is material in this case. As I have concluded that the revised condition would not have a harmful impact on public safety, there would be no conflict with this Policy.

Other Matters

12. The Council also referred to Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 in its reason for imposing the original condition. This relates to proposals which generate a demand for travel, which the new advert would not, and is therefore not material in this case.

13. The Council has raised no concern regarding amenity. Based on the information before me and my observations on site I have no reason to disagree, and accordingly I am satisfied that this should not be a main issue of the appeal.

Conditions

14. As I am allowing the appeal this decision constitutes a new grant of express consent for the advert. With reference to the Advertisement Regulations and the Planning Practice Guidance it is not necessary to impose an approved plans condition as this decision grants express consent not planning permission. It is also not necessary to impose a commencement condition as express consent is granted for a fixed period from the date of the decision.
15. I have imposed a condition in addition to the five standard conditions set out in the Regulations to set a minimum time for changeover between adverts to 10 seconds, for the reasons already given.

Conclusion

16. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR