



Appeal Decision

Site visit made on 11 July 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2023

Appeal Ref: APP/Z0116/Z/22/3309530

Bedminster Parade, o/s Asda opp Phillip Street.

- 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 Mr Richard Wilson of Clear Channel against the decision of Bristol City Council.
- The application Ref 22/02766/A, dated 1 June 2022, was refused by notice dated 26 August 2022.
- The advertisement proposed is to replace existing double-sided bus shelter advertising displays comprising one digital display and one internally illuminated 6-sheet display, with double-sided digital displays. Replacement digital displays will portray static advertising images that change every 10 seconds.

Decision

1. The appeal is allowed, and express consent is granted to replace existing double-sided bus shelter advertising displays comprising one digital display and one internally illuminated 6-sheet display, with double-sided digital displays. Replacement digital displays will portray static advertising images that change every 10 seconds.
2. The consent is granted 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 conditions:
 - The intensity of the illumination of the advertisement displays permitted by this consent shall be no greater than 3500 candelas per square metre during daylight and 300 candelas per square metre during darkness, as recommended within the Professional Lighting Guide 05/22 (PLG 05/22) The Brightness of Illuminated Advertisements, including Digital Displays (or its equivalent in a replacement Guide).
 - The advertising displays permitted by this consent shall be turned off between 00.00 midnight and 05.00 hours daily.

Preliminary Matter

3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts¹. I have had regard to the policy references in

¹ Framework paragraph 136

the decision notice only in so far as they relate to public safety as amenity matters have not been raised by the Council.

4. The proposed advertisement would be a double-sided digital display that would change its static display every 10 seconds, set within the end of an existing bus shelter. This would replace an existing advertisement display in situ, which is currently a static illuminated paper poster display on one side (north-facing direction) and already comprises a digital display with changing display on the opposite side. The concern raised about the proposed advertisement relates to the north-facing side of the proposed digital advertisement display only. I have had regard to this in making my decision.

Main Issue

5. The main issue is the effect of the north facing digital advertisement display on drivers of vehicles approaching from the north and the consequential effect on the public safety of the occupants of other vehicles and pedestrians.

Reasons

6. The proposed bus shelter advertising display would be in place of an existing advertisement situated along Bedminster Parade (A38) which is noted by the Council and appellant to have a 20mph speed limit. The road is a busy traffic route into the city centre and is a transport route for numerous bus services. Bedminster Parade is part of a busy town centre shopping area with a high level of pedestrian activity.
7. As noted by the Council, digital advertisements are well established within the area and therefore are in keeping with the character and appearance of the area. The principle of an illuminated advertisement in this location is also established by the existing advertisement which is to be replaced by the proposed advertisement.
8. There is a light-controlled pedestrian crossing some 15 metres distance away at the nearest point of the proposed advertisement. This pedestrian crossing has traffic lights on either side of the road that face in both traffic directions. The proposed advertisement would have a total height of approximately 2.2 metres and so would be capable of being seen below the traffic light apparatus at the nearby pedestrian crossing. The proposed advertisement would also be set back further from the edge the highway than the position of the traffic lights. These factors mean that the advertisement would not obstruct or affect the line of sight to the traffic lights by drivers approaching from the north.
9. The Council has raised concern that when displaying a similar colour within the advertisement content, this could undermine the interpretation of the signal heads of the pedestrian traffic lights. However, there is an existing illuminated advertisement display in the same position and of the same size as the proposed digital advertisement. This could therefore already contain an illuminated advertisement of any colour, including a colour similar to the signals of the traffic lights.
10. During my site visit, I observed the existing changing digital advertisement facing into the bus shelter. This is of similar distance to the pedestrian traffic lights to that proposed, although faces the opposite direction. It contained a number of dominant red coloured advertisement displays yet, did not unduly

- distract road users from the pedestrian crossing lights, despite it being on the same side of the road as the direction of oncoming traffic.
11. Also, during my site visit, I noted the relationship between the existing static advertisement (north facing) to the pedestrian crossing lights' operation. I monitored the movement of traffic and pedestrians in the area for a period of time and from several directions and distances from the traffic lights. I observed that the pedestrian crossing is well used and has noise, as well as light notifications. I also observed that traffic is generally moving at low speeds in the local area, due to the 20 mph speed controls in place and due to the level of traffic and general activity within the area.
 12. The road on approach from Bedminster Bridge southbound towards the appeal site angles round to the right. This provides drivers of vehicles approaching from this direction with clear visual prominence of the traffic light signals, as opposed to the existing illuminated advertisement. The proposed digital advertisement, which would be in the same position at the end of the bus shelter, would not be significantly more prominent within the streetscene than the existing illuminated sign so as to cause undue further distraction to road users, even though the static advertisement would change every 10 seconds.
 13. Three sets of traffic lights are clearly visible and prominent to vehicle users on the approach from the north towards the site. Due to the position of the proposed advertisement, this would be less prominent and furthermore would also appear in the context of other street furniture and features within the area, including the base of a lamppost and a nearby tree.
 14. Concerns raised by the Council in respect of potential accidents involving pedestrians using the crossing and vehicles joining Bedminster Parade from Regent Road, as a result of the proposed advertisement are duly noted. The Bristol City Transport response notes 7 recorded traffic incidents close to the appeal site since 2016 and highlights the conditions of the highway in this location as being busy in terms of pedestrian and vehicle movement.
 15. The proposed advertisement would not however create a further obstruction in the highway, as it would replace an existing illuminated advertisement display. Also, I have found that the advertisement would not cause additional distraction compared to the existing situation nor, would it cause conflict for road users in respect of the pedestrian crossing.
 16. I have had regard to the PPG advice in relation to advertisements. The 10 second change of the digital display would not be so frequent so as to cause undue distraction and danger to road users. This is evident from the relationship of the existing digital changing advertisement that is currently on the opposing side of the proposed digital advertisement, which has a similar relationship and is in a similar proximity to road junctions and the pedestrian crossing.
 17. Therefore, due to the size and position of the proposed digital advertisement and the surrounding context of the area where it would be situated, the proposed advertisement would not cause unacceptable additional stimuli such that it would cause harmful distraction to road users. Accordingly, there would not be a potential increase in the prevalence and likelihood of accidents involving pedestrians and vehicles resulting from the proposed advertisement.

18. In view of the above, the proposed advertisement would not cause harm to public safety. Therefore, requirements of the Regulations and national planning policy guidance are met.
19. Whilst the development plan does not include policies that specifically refer to advertisements, I have had regard to the policies identified, as they are material considerations. Policy DM23 of the Bristol City Council Local Plan, Site Allocations and Development Management Principles (July 2014) sets out that development should not give rise to unacceptable traffic conditions. As there would be no harm caused to public safety by the proposed advertisement, there is no conflict with this policy.
20. Policy BCS10 of the Bristol City Council Core Strategy (June 2011) relates to the delivery of significant improvements to transport infrastructure, it also sets out development principles for the implementation of major transport schemes, noting user priorities start with the pedestrian. This policy is not directly relevant to the proposed advertisement. However, I have had regard to the impact on pedestrians and other road users in considering public safety and find no harm would be caused by the advertisement.

Other Matters

21. The Council notes that 11 objections were received during the course of the consideration of the application regarding the advertisements. The key concerns raised from publicity, as summarised by the Council in their report include, that the proposed development would give rise to unacceptable distraction; that the development would be visually intrusive and result in clutter; light pollution; increased power needed to operate installations; and, that it would impair mental health associated with living near screens.
22. A number of these concerns are not related to the main issue of the appeal. As set out above, I have found no harm to public safety. Whilst the appeal site lies within the Bedminster Conservation Area, subject to conditions, the character and appearance of the area would be protected. Also, subject to conditions, there would be no unacceptable harm caused to the living conditions of occupiers of nearby properties. The proposals would therefore comply with the Regulations and the development plan in regard to such matters.

Conditions

23. Conditions restricting the level of illuminance and that the advertising display is turned off between the hours of midnight and 05.00 hours daily are necessary to protect the character and appearance of the Bedminster Conservation Area and, to protect the living conditions of occupiers of surrounding residential properties from harmful light disturbance.

Conclusion

24. For the reasons given above, I conclude that the display of the advertisements would not cause harm to the interests of public safety and the appeal is allowed subject to conditions as set out in my formal decision above.

C Billings

INSPECTOR