



Appeal Decision

Site visit made on 6 June 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/Z0116/H/22/3311451

2 Clare Street, Bristol BS1 1XR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by King Media Ltd against Bristol City Council.
 - The application Ref 22/01777/A is dated 7 April 2022.
 - The advertisement proposed is described as "temporary static, illuminated shroud advertisement."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its grounds of appeal, that had it been in a position to determine the application, it would have refused permission.
3. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, whilst I have referred to some of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Main Issues

4. I consider the main issues in this case to be; a) the effect of the proposed development on the visual amenity of the listed building and the City and Queens Square Conservation Area Conservation Area; and b) public safety.

Reasons

Visual Amenity

5. 2 Clare Street is a grade II listed building that sits in a prominent location on the corner of Clare Street and Baldwin Street in the City and Queens Conservation Area (CA). The main building is 4 storeys and finished in limestone ashlar with a slate hipped mansard roof. There are a number of other listed buildings in the immediate area, including Abbey Chambers (No's 1, 3 and 5 Baldwin Street and 4, 6 and 8 Clare Street). The proposed advertisement would measure approximately 14 metres in width, and 8.15 metres in height. It would be sited on a scaffolding shroud printed with a 1:1 image of the

building facade and would be in position for a period of eight months whilst roof and facade repairs are undertaken. The advertisement would be illuminated by five overhead lights located at intervals of three metres. The lights would be located above the third-floor windows.

6. I acknowledge that during the repair works to the building the provision of some form of scaffold screen and netting would be necessary and would obscure the positive contribution the building makes to the street scene and CA. In that context the provision of a scaffolding shroud printed with the architectural detail of the facade would add interest and detail to the scaffolding whilst the building is under repair and would be preferable to the scaffolding being screened by functional netting. In this respect a printed shroud would preserve the character of the listed buildings and CA whilst the repair was underway.
7. However, most of the image of the facade on the shroud on both Clare Street, Baldwin Street and facing towards Colston Avenue would be obscured by the proposed advertisement, largely negating any benefit to the listed building and CA of having the printed shroud in the first place. Additionally, it would be prominently sited on the corner of the building close to a busy road junction. It would be highly visible from a number of short to medium range views, in particular from the pedestrian crossings on the A38 and Colston Avenue. Despite the vibrant location, the advertisement would stand-out as there are no other similar features in the vicinity.
8. With regard to the illumination, it is proposed to illuminate the advertisement through the provision of five overhead lights. Currently the building has external lighting located at ground floor, above commercial uses. During my site visit I noted that there did not appear to be any external lighting of the building's facade above this level. The provision of external lighting above the advertisement would only serve to highlight the incongruity of the proposed advertisement which would be to the detriment of visual amenity in the CA.
9. I accept that the PPG¹ indicates that shroud or wrap adverts may be acceptable but these require express consent precisely because they are not appropriate in all situations. I acknowledge that this would be a temporary arrangement whilst repairs are undertaken. However, most of the buildings are limited to four and five storeys with advertising located at ground floor. Large-scale advertising panels equivalent to three storeys in height, as proposed, are not part of the character of the area. The proposal, particularly given the height and scale of the display panel combined with the illumination, would appear intrusive and out of keeping in views along and towards Clare Street and Baldwin Street, and would have an adverse impact on the visual amenity of the CA.
10. In this regard the proposal would fail to preserve the character or appearance of the CA. As such it would be contrary to Paragraph 199 of the Framework. I accept that in this case because of the temporary, reversible nature of the proposal the harm to the significance of the heritage assets would be less than substantial and, in these instances, Paragraph 202 of the Framework requires that the harm is weighed against any public benefit. In the longer term the repair work to the listed building would enhance its contribution to the CA. However, as this benefit could be achieved without the adverse impact of this

¹ Paragraph: 005 Reference ID: 18b-005-20140306 - 2014

advertisement, I am not persuaded the benefit is sufficient to outweigh the harm as a result of the visual harm. The appellant also suggests that the shrouding of the scaffolding would be a public benefit over the alternative functional scaffold netting but as the scale of the proposed advertisement would obscure virtually all of the image of 2 Clare Street, I am not persuaded of this benefit either.

11. The appellant has stated that the works to repair the host building would only be affordable if supported by the income generated from the proposed advertising. However, I have not been provided with any financial evidence that the repair works require the additional income or that the income generated would go directly towards these works. As such, I can only afford this limited weight.
12. My attention has been drawn to similar advertisements in Bristol, one given consent at appeal and the other by the Council. I have not been provided with full details of these however whilst they relate to advertisement shrouds, they are in considerably different locations than the appeal before me. The appeal example was located where advertisements above ground floor are more prevalent, and the permission granted by the Council was for an unlisted building and was not located within a CA. As such these are not directly comparable. In any event, I have dealt with the appeal before me on its own merits.
13. The proposed advertisement would have a harmful effect on the amenity of the area and would fail to preserve or enhance the CA contrary to Policy BCS21, BCS22 and BCS23 of the Bristol Development Framework Core Strategy (2011) (CS), Policy DM31 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP) and Policy BCAP44 of the Bristol Central Area Plan (2015) (AP) which together seek to protect the visual amenity and character of an area. The proposal is also contrary to paragraph 132 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public Safety

14. The PPG advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
15. As mentioned, the site is located on the corner of Clare Street and Baldwin Street, facing towards a junction between Baldwin Street, Colston Avenue and the A38. The proposed advertisement would wrap around the host building and would therefore be visible when travelling along nearby roads. At my site visit, I noticed a number of pedestrian crossings close to the site, particularly those crossing the A38 and Colston Avenue.
16. The nearby roads and pedestrian crossings are relatively straight, and the proposed advertisement would be visible for some distance when travelling towards the appeal site. Perpendicular views would only be provided when travelling along the A38 and Colston Avenues where, due to the set back of the appeal building, would have limited views of the advertisement when driving passed the turning to Baldwin Street. towards pedestrian crossings. There

would therefore be adequate opportunity for pedestrians to view the advertisement and safely cross the road. Drivers would not be alerted to the advertisement until they are crossing the junction, having passed the traffic lights.

17. The advertisement would be located in an elevated position above the M32. From my site visit the proposed advertisement would be visible when travelling along the M32. At this point traffic travelling south-west would have a view of the advertisement above the motorway wall. I observed during my visit that this was a busy road where there is a junction off the motorway for the A4320 and A4. As a principal road through the area, it is likely to remain busy throughout the day and into the evening.
18. I am therefore satisfied that the proposal would not prejudice conditions of public highway safety and is in accordance with CS Policy BCS10 and SADMP Policy DM23. The proposal would also comply with the provisions of the Framework which seek to control advertisements in the interest of public safety.

Conclusion

19. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity. For the reasons given above, the appeal is dismissed and express consent is refused.

Tamsin Law

INSPECTOR