



Appeal Decision

Site visit made on 29 August 2023 by A Coombes

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/V3310/Z/23/3321182 21 Old Taunton Road, Bridgwater TA6 3NX

- 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 Page (Wildstone Estates Limited) against the decision of Sedgemoor District Council.
- The application Ref 08/23/00174, dated 16 January 2023 was refused by notice dated 17 March 2023.
- The advertisement proposed is 1no. 48-sheet D-Poster slimline digital advertising display.

Decision

1. The appeal is allowed, and consent is granted for the display of 1no. 48-sheet D-Poster slimline digital advertising display. 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) No individual advertisements shall be displayed for a duration of less than 10 seconds. The advertisement shall not include any features which would result in interactive messages/advertisements being displayed.
 - 2) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
 - 3) During the hours of darkness, the advertisement display luminance shall be no greater than 300 cd/m2. In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions. The luminance shall at all times be no greater than 5,000 cd/m2 in accordance with the maximum daytime luminance values set out in Table 10.5 of the Institution of Lighting Professionals PLG 05 document 'The Brightness of Illuminated Advertisements including Digital Displays'
 - 4) No individual advertisement shall contain moving images, animation, video or full motion images or any images that resemble official road traffic signs or traffic signals.

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.

Preliminary Matters

3. The Government published on 5 September 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The control of advertisements is exercisable only with respect to public safety and amenity. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. In this case neither the Council nor any other party has raised any objection to the proposal in relation to amenity. From the evidence before me, and my observations on site, I see no reason to disagree.

Main Issue

6. Therefore, the main issue is the effect of the proposed scheme upon public safety.

Reasons for the Recommendation

7. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
8. The appeal site is the gable end of a residential terrace, which sits adjacent to a busy dual carriageway that is separated by a central reservation. It is set back from a four-way signalised junction between the A38 Broadway and Taunton Road.
9. Although there is no advertisement display on the site at present, the type of advertisement proposed is a familiar feature along arterial urban roads. Drivers and pedestrians are used to maintaining awareness of the highway environment whilst taking in the content of advertisements, however the Planning Practice Guidance makes it clear that advertisements in some locations may be more likely to affect public safety.
10. There are other examples of commercial signage in the surrounding area including a totem sign at the neighbouring petrol filling station. There are also large format digital displays in the local area, but not in close proximity to the appeal site. Consequently, the proposed advertisement would not be an incongruous addition in this location and would not have an unusual nature or be unduly close to any similar advertisement.
11. Drivers egressing Old Taunton Road to join Broadway from either direction are required to stop and give way. This allows time to observe and navigate the uncomplicated one-way carriageway at these junctions and to notice any pedestrians at the junctions. Drivers joining Broadway from the north-west of Old Taunton Road would be directly opposite the advertisement so would see it clearly. They would however be pausing to give way at this point and looking in

the direction of oncoming traffic, away from the advertisement. The road layout would allow them to safely take in the content and, with conditions to control the nature and frequency of the advertisement changes and its illumination, the proposal would not result in undue distraction to drivers from this location.

12. Drivers navigating the junction on which the appeal site is located would need to look behind their right shoulder to see the advertisement. Consequently, it is unlikely that the advertisement would interfere with their judgement or be a distraction when manoeuvring.
13. Pedestrians at these junctions would see the advertisement to one side. This type of display is not an unusual feature to see when walking in an urban area, and the nature of the display is unlikely to attract more than a fleeting glimpse. The proposal is therefore unlikely to distract those crossing over Old Taunton Road on either side of Broadway. There is no position from which to cross Broadway itself at this point.
14. For drivers travelling south-west on Broadway the road layout changes, increasing from two lanes to three ahead of the four-way signalised junction. However, the road signage and markings to indicate this change are situated before the appeal site, so drivers will be prepared to make the manoeuvre or will already have positioned themselves towards the correct lane before observing the advertisement.
15. The advertisement would be situated on the far side of the carriageway for drivers travelling north-east on Broadway. Due to the orientation of the advertisement, adjacent to the carriageway, it would be seen within the peripheral vision of drivers just as the existing signage at the Esso garage is. Later in this direction there is also a change in road layout, with a right turn lane then reducing to one lane at the left-turn junction for Salmon Parade. However, this takes place beyond the appeal site, allowing drivers sufficient time to merge safely.
16. Pedestrians using the signalised junction would be some distance from the appeal site and there are other advertisements much closer to the junction than that proposed. The proposal would not be in direct eye line of any pedestrian traffic signals and it has not been demonstrated that it would distract drivers such that they might not notice pedestrians using the junction. Consequently, it would not result in harmful distraction of those using the junction.
17. The Council refers to the collision record in the local area, but very limited details have been provided of where and why these incidents occurred. It has not therefore been demonstrated that the road layout or junctions are particularly dangerous, or that the proposal would increase the risk of collision at any of the junctions nearby.
18. Controls over the nature of the display, how it would change and how frequently, and the brightness and controls over the illumination are all necessary to ensure that the advertisement would not draw undue attention or distract road users. I recommend minor changes to the appellant's suggested wording for clarity however.
19. Subject to these conditions, I find that the proposal would not have an unacceptable impact on highway safety, and the residual cumulative impacts

on the road network would not be severe. Consequently, the proposed advertisement would not be harmful to public safety.

Commented [ML1]: The Highway Authority refer to a severe impact, so you could bring in the Framework highway safety tests here to directly address that.

20. I have had regard to Policy D13 of the Sedgemoor Local Plan 2011- 2032, adopted 2019. This policy refers to development and travel management schemes however, and advertisements are not development for the purposes of planning legislation, so the policy is not directly relevant to the proposal before me. Nevertheless, as I have concluded that there would be no harm to public safety, there would be no conflict with the relevant elements of this policy.

Other Matters

21. In correspondence between the parties, reference is made to an appeal at the Mercure Hotel which was dismissed on public safety grounds. However, no details of this scheme or a correct appeal reference have been provided. Therefore, I am unable to determine whether there are any similarities between the dismissed scheme and this appeal, and it has not therefore been determinative in my recommendation.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the five standard conditions and the additional conditions set out above.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning set out above. The proposal would not harm public safety or amenity for the reasons given, and on that basis the appeal is allowed subject to the five standard conditions and additional conditions listed above.

L McKay

INSPECTOR