



Appeal Decision

Site visit made on 4 October 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2023

Appeal Ref: APP/D0121/Z/23/3317315

2A And 2B Bridge Road, Weston-super-Mare BS23 3PD

- 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 Estates against the decision of North Somerset Council.
 - The application Ref 22/P/2437/ADV, dated 6 October 2022 was refused by notice dated 20 January 2023.
 - The advertisement proposed is upgrade of no. 1 existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for upgrade of no. 1 existing 48 sheet advert to support digital poster at 2A And 2B Bridge Road, Weston-super-Mare, BS23 3PD 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 additional conditions set out below:
 - 1) The intensity of the illumination of the advertising display permitted by this consent shall be no greater than 300 cd/m² during hours of darkness and the advertising displays shall be switched off between the hours of 23:00 and 06:00. The luminance of the advertisement shall be controlled by sensors and/or timers to reflect the ambient light conditions which shall remain operational for the lifetime of the development. At all times the display shall operate within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The minimum display time for each advertisement shall be no less than 10 seconds and the screen display shall change without visual effects (including fading, swiping, merging or other animated transition methods) between successive displays. The advertisement display shall not contain moving images, animations, video, audio, directional symbols or images that resemble road signs or traffic signals. The display shall include a mechanism to turn the display off (showing a black/blank screen) in the event of malfunction or error.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The appeal site comprises the southwest facing wall of a fish and chip shop at 2a and 2b Bridge Road, which currently contains a non-illuminated billboard sign. Externally illuminated advertisements are displayed to either side of the billboard.
4. The surrounding area includes a mix of residential and commercial uses. The site is adjacent to a roundabout on the A370 which is the main road through Weston-super-Mare. To the south side of the A370 are areas of open land with residential development beyond. To the north and northwest of the site are several car showrooms which display a wide range of advertisements including flags, fascia signs, totems and other free-standing signs. To the southeast of the site there are numerous commercial buildings along the A370 which display a variety of advertisements.
5. The proposed advertisement would replace an existing non-illuminated billboard sign of a similar size. The displayed advertisement is reported to have no consent, nevertheless, the appellant indicates that it has been displayed for in excess of 10 years.
6. The proposed advertisement is relatively large in comparison to the host building, however given its commercial use and the presence of other signage on the building, I do not find the proposal to be harmful to the appearance of the host dwelling or overly prominent. Furthermore, the advertisement would be adjacent to a wide dual carriageway with highway verges and would not appear excessively large in this context.
7. The proposed signage would be internally illuminated with a changing display and would therefore be more eye-catching than the existing advertisement. However, even if the existing sign were not in place, the proposed advertisement would be seen in the context of numerous other signs and commercial development and as such would not appear incongruous in this location.
8. Whilst internally illuminated signs are not common in the area, the appeal site faces a busy main road which leads through commercial uses on approach to the sea front where one might expect to see such modern forms of signage. I note that the Council wish to see improvements to the A370 corridor and highlight the presence of a nearby sculpture. I do not find the proposal to be incompatible with these aims, and whilst the signage would be visible in some of the same vantage points as the sculpture it is some distance away and would not detract from it.
9. I find limited similarities to the appeal the Council has referred me to (APP/D0212/W/21/3277206) which was for a monopole and cabinets within the highway verge. The proposal would not dominate the sculpture and would not result in clutter in the verge as the appeal scheme would have.
10. The Council have explained that street lights in the vicinity are switched off overnight. During this time the illumination of the advertisement would appear obtrusive in an otherwise dark area. As such, were the appeal to be allowed, it would be appropriate to attach a condition requiring that the illumination is reduced during the hours of darkness and turned off completely between 23:00 and 06:00. Accordingly, subject to the imposition of a suitable planning

condition I am satisfied that the proposed advertisement would not adversely harm the visual amenity of the area.

11. 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. Therefore, while I have taken account of the policies that the Council consider to be relevant, these have not been decisive in my determination of this appeal.
12. I have taken into account policy CS12 of the North Somerset Core Strategy (Adopted January 2017), Policy SA10 of the North Somerset Sites, and Policies Plan, Part 2 (Site Allocations Plan) 2006 – 2026 (Adopted April 2018) and DM32 of the North Somerset Sites and Policies Plan, Part 1 (Development Management Policies) (DMP) (adopted July 2016) and relevant paragraphs of the Framework which collectively seek to ensure that development does not cause harm to character and appearance and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies. The Council also refer to policy DM24 of the DMP, however this relates to highway safety and as such I have not taken it into account in respect of the main issue.

Other Matters

13. The Council has raised no concerns in relation to the effect of the appeal proposal on public safety and on the basis of the evidence before me, I have come to the same conclusion.
14. Although not forming part of the reason for refusal, the council has raised concerns within the officer report about the effect of the proposal on the residential amenity of the occupiers of the adjacent flats due to a sense of domination by commercial development. The advertisement would be located on a wall which is angled away from the windows on the rear of the flats and as such would not be visible from within these properties. Therefore, I find that the proposed advertisement would not cause harm to the amenity of nearby residents.

Conditions

15. As previously mentioned, conditions in addition to the five standard conditions as set out in the regulations are necessary in the interests of visual amenity and to ensure that public safety is not harmed.
16. I have imposed a condition (1) to control the level of illuminance and a requirement for the advertisement to be switched off between the hours of 23:00 and 06:00. This condition is necessary in the interests of visual amenity, and to ensure public safety is not harmed.
17. I have also imposed a further condition (2) to ensure that the advertisements are displayed for a minimum amount of time, that the change between advertisements is instantaneous, and that the displayed advertisement is static. This condition is necessary to ensure that public safety is not harmed and to ensure the advertisement does not harm the safe operation of the highway network.

Conclusion

18. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity or public safety. The appeal is therefore allowed, and express consent granted subject to the conditions set out.

E Pickernell

INSPECTOR