



Appeal Decision

Site visit made on 24 November 2023 by M Long BA (Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/E3335/Z/23/3324490

19 Bridge Street, Taunton TA1 1TQ

- 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 Warren Milroy (Vivid Outdoor Media Solutions (B) Limited) against the decision of Somerset Council.
 - The application Ref 38/23/0119/A, dated 4 April 2023, was refused by notice dated 5 June 2023.
 - The advertisement proposed is a single wall-mounted 48-sheet LED advertisement.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 19 December 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.

Main Issues

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. The main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons for the Recommendation

Amenity

6. The Planning Practice Guidance (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity and factors

relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

7. The site is located on a town centre high street where advertising is primarily characterised by small-scale and low-level signage relating to ground floor businesses. While there are a variety of advertisements in the area, which form part of its commercial character, there are no other large, high-level digital screens. There are a number of attractive buildings in the vicinity of the site that contribute positively to the character and appearance of the area, including a Grade II listed building at 14-16 Bridge Street and locally listed buildings at 10-12 and 3/3b Bridge Street.
8. The proposed display would be contained within the end gable of the host building, which would still be visible around it. Nevertheless, given its significant size and elevated position, the proposed display would appear overly dominant in views of the host building and within the wider streetscene. There is good visibility approaching the site, and its digital illumination and the frequent changing of static imagery would attract substantial attention from those passing the site and would further exacerbate its dominant design.
9. The listed building at No 14 and the locally listed buildings nearby derive significance from their architecture and their prominent relationship with the street and surrounding buildings. They are all in commercial use and seen in a commercial context, so their setting makes some contribution to their significance.
10. The display would be most visible to those approaching from the south where its large scale and elevated position would draw the eye, particularly away from the locally listed building at 3/3b Bridge Street, which offers visual interest on the approach to the junction. The digital nature and prominent design of the proposal would be at odds with the traditional scale and appearance of the surrounding high street. Therefore, although digital displays are not unusual in some urban settings, in this case the proposal would detract from the appearance of the streetscene and have a slight detrimental impact on the setting of the listed and locally listed buildings nearby.
11. Although the luminance level could be controlled by condition so as to be appropriate in this well-lit area, the digital nature of the display would appear out of keeping. The Council suggests conditions to substantially reduce the frequency of the images changing, or to prevent change altogether. This would be unreasonably onerous and substantially different to what consent has been sought for, and in any event would not mitigate the impact of the size and digital nature of the display to an acceptable level. Therefore, the proposed display would appear incongruous in this location and harmful to visual amenity and the suggested conditions would not satisfactorily mitigate this harm.
12. There is digital advertising on a nearby bus shelter, but it is smaller and at lower level than the appeal proposal. I do not have details of whether it replaced previous advertising, or the reasons it was found acceptable. It is not therefore demonstrably comparable to the appeal scheme and does not justify a digital display of this size in the position proposed.

13. A scheme that offers landscaping improvements and which may reduce antisocial behaviour has been put forward. However, both main parties acknowledge that these works could not receive consent as part of this advertisement appeal. There is no mechanism before me to secure these works or public access to this land. Therefore, I can give this negligible weight in terms of potential improvements to amenity, and this would not outweigh the harm to visual amenity that would arise from overly prominent design of the proposal.
14. I have taken into account Policy D3 of the Taunton Deane Site Allocations and Development Management Plan (SADMP), adopted 2016, and Policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2028 (CS), which seek to protect amenity and heritage assets. Given that I have concluded that the proposal would harm amenity, it would not benefit from the support offered by these Policies.

Public Safety

15. The site is located at a busy signal-controlled junction between Bridge Street and Wood Street. An area of yellow hatching, cycle lanes and pedestrian crossings add to the complexity of this junction. I also observed pedestrians using informal crossing points across Bridge Street both when traffic had stopped at a red signal and in the gaps between moving vehicles. As such, I consider this site to be an area of reasonably complex highway movements that requires a significant level of attention from motorists.
16. For northbound traffic, the display would be seen in the same view as the oncoming traffic signals and would, from certain positions, be seen directly behind the main signal head. Furthermore, the frequent changing of static images would present a potentially dangerous distraction for drivers in an area that requires a significant level of concentration and alertness to unexpected movements from motorists, cyclists and pedestrians.
17. As the appellant identifies, the content of the display could not be controlled, therefore there is potential for images or colours to be displayed that could cause confusion as to what was happening with the traffic signal. While the images would change frequently, this itself could lead drivers to mistake the change in image for a change in the signal. Consequently, the displayed imagery would be likely to reduce the clarity of the signals and increase the risk of their misinterpretation. This would result in increased potential for errors and therefore present additional hazards to all highway users at the junction.
18. There would be some long-range views of the display on the approach to the junction that would prevent the display from appearing suddenly in the driver's field of vision. However, this would not address the harm at the junction if the signals were misinterpreted which, given the presence of pedestrians and cyclists, would result in additional risk to highway safety.
19. Dates on recorded injury collisions at this location from the main parties differ, but it is unclear whether the data has been taken from the same source or time period. Nevertheless, taking either figure there is evidence of recorded incidents at this junction. I consider the further distraction and potential misinterpretation that would arise from the appeal scheme to present an unacceptable additional risk to the safety of highway users.

20. The appellant has referred to industry research that suggests there is no conclusive evidence that a correlation exists between advertising and road safety, however no details of the research study have been provided. I therefore cannot be certain of the relevance of this research, its scope or which types of sites and advertisements were studied. As a result, I give this issue minimal weight that would not outweigh the harm identified above.
21. I have taken into account Policy D3 of the SADMP and Policy DM1 of the CS which seek to avoid harm to public safety and so are material in this case. As harm has been identified to public safety, the proposal would conflict with these Policies.

Other Matters

22. The appellant has outlined ways the proposal could be used for the public benefit, including for emergency messaging. A number of economic benefits, including advertising opportunities for local businesses, have also been outlined. No details of how these would be secured have been provided, therefore I can give these matters minimal weight and they would not outweigh the harm identified above.
23. The appellant has highlighted the increasing prevalence of digital displays and has drawn my attention to examples in Yeovil and Stockport which were found to be acceptable. While the submitted evidence indicates there may be some similarities between these locations and the appeal site, it also indicates differences in the character of the area and types of highway movements and layouts. Nor do I have details of why they were found acceptable, or whether there was anything on the site previously. I do not consider these examples to be suitably comparable or to set a precedent for the proposed scheme. In any event, I must consider each appeal on its individual merits and, in this location, the proposal would result in unacceptable harm.

Conclusion and Recommendation

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

L McKay

INSPECTOR