



Appeal Decision

Site visit made on 18 June 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/E3335/Z/24/3340612

56-66 Mercure Bridgwater Hotel, Eastover, Bridgwater, Somerset TA6 5AR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Somerset Council.
 - The application Ref is 08/23/00372.
 - The advertisement proposed is erection of D-Poster slimline digital advertising display.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site has been subject to a previous appeal decision¹, which was dismissed, for a similar advertisement to that currently proposed. The previous scheme also proposed a digital advertising display, albeit of differing overall size, siting, and orientation. Although I note the previous Inspector's findings, I have nonetheless reached my own conclusions based on the circumstances of the present case before me.
3. 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.

Main Issues

4. The main issues are the effect of the proposal on the visual amenity of the area having regard to nearby heritage assets, and public safety.

Reasons

Amenity

5. The appeal site is adjacent to a four-way highway junction in a location consisting of properties of differing architectural styles, scale and age. The varying range of built form and appearance, combined with mixed commercial uses including associated signage, transitioning to residential properties in the wider vicinity contribute to the mixed character of the surrounding area.

¹ APP/V3310/Z/20/3245578

6. The proposal would be in an area currently featuring scrub vegetation, to the front of the Mercure Hotel. Due to the significantly larger scale and massing of the hotel in comparison with surrounding built form, as well as eye-catching colour scheme and modern architecture, the hotel is the dominant feature within the street scene.
7. Whilst the proposal would result in an eye-catching advertisement, its siting and orientation would result in it being seen with the backdrop of the significant scale of the hotel as well as associated signage. Although the previous appeal Inspector was of the view that the proposal would undermine the integrity and importance of the hotel building, the reduction in height of the advertisement compared to the previous appeal proposal, as well as slimline design, would minimise any harm to the appearance of this particular building.
8. However, the proposal is also sited near to the St Johns Conservation Area (CA) and there are three Grade II listed buildings in the area. The boundary of the CA lies to the north of the appeal site and given the intervening highway infrastructure, the CA would be unaffected by the proposal. Similarly, due to separation distances and intervening built form, 5 Monmouth Street and St. John's House would also be unaffected by the proposal.
9. However, Cobblestones Public House is in close proximity. I observed that externally, this property's special architectural and historic interest lies partly in it having a well-balanced principle elevation notable for its formal proportions and detailing, in a prominent highway facing position connected to its historic public house and hotel uses.
10. With regard to its setting, the articulation of the Mercure Hotel's built form results in its front elevation noticeably stepping back from the highway, nearest the junction. The resulting wide triangular pavement and four-way junction provide a defined context that both increases the prominence of, and allows the listed building to be experienced. Its setting therefore adds positively to its significance, by allowing an appreciation of its detailing whilst also demonstrating its historic role as a roadside public house and hotel.
11. The siting, orientation and slimline design of the proposal would minimise views of the advertisement in conjunction with Cobblestone Public House when travelling north towards the appeal site on Broadway, and I accept that there is limited direct intervisibility between the appeal site and Cobblestone public house from this viewpoint. Nevertheless, I observed that the advertisement would be clearly seen within the setting of the listed building from various viewpoints to the east of Broadway, particularly at the pedestrian crossing and highway junction.
12. In such locations, whilst the hotel building would still be the dominant feature, the proposal would nonetheless, as is expected of an advertisement, be prominent and be seen as a modern addition to the street scene. Although in a built-up area of mixed architectural and historical development, the proposal would nevertheless be harmful to the setting of the listed building due to detracting from its architectural and historic significance.
13. Consequently, the proposal would harm the visual amenity of the area having regard to the nearby Grade II listed Cobblestone Public House. The proposal would conflict with Policies D2 and D26 of the Sedgemoor Local Plan 2011-

2032 (LP) which seek, amongst other things, to improve the character of the public realm and protect heritage assets, and so are material in this case.

Public safety

14. The four-way junction adjacent the appeal site consists of the dualled Broadway and Monmouth Street which is the main route through Bridgewater, as well as St Johns Street which leads to the train station and Eastover which connects to the town centre. I observed the area to be a busy pedestrian and vehicular environment.
15. Despite existing signage on the Mercure Hotel, there is no advertisement displayed on the site at present. The Planning Practice Guidance makes it clear that advertisements in some locations may be more likely to affect public safety. Nevertheless, the type of advertisement proposed would not appear unusual to highway users given existing digital advertisements in the area, including those sited on the Mercure Hotel, one of which is prominent when approaching the highway junction from the South.
16. The proposed advertisement would be larger than traffic signals and feature a changing digital display. However, the orientation and siting of the proposal is such that the advertisement would not be readily apparent or seen in conjunction with signal heads for drivers approaching from an easterly direction along St Johns Lane, or westerly along Eastover. Furthermore, when travelling north along Broadway, the advertisement would be orientated so as not to appear prominent to traffic approaching the junction, and would only be clearly seen when past the advertisement, or waiting at the junction adjacent the signal heads.
17. When approaching in a southerly direction along Monmouth Street, the proposal would be offset from the carriageway and would be visible for some distance prior to the junction and I am informed would not overlap any of the signal heads at a 43m stopping sight distance, which is not refuted by the Council. As such, traffic approaching the junction would have sufficient time to safely view the advertisement and assess driving conditions and would not result in undue distraction to drivers from this location.
18. Moreover, whilst the advertisement would be apparent when within the junction, the highway layout and managed flow of traffic would allow drivers to safely take in its content. Furthermore, conditions could be imposed to control the nature and frequency of the advertisement changes and its illumination, further preventing undue distraction to drivers.
19. In terms of pedestrians, 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 result in undue distraction. I am also informed that junction improvement works have taken place since the previous appeal decision which replaced the previous pedestrian crossing facilities with nearside signal displays. As such, pedestrians and cyclists would not need to look across the highway towards the advertisement when looking for a signal that it is safe to cross the road.
20. Consequently, I conclude the proposal would not be harmful to public safety. The proposal therefore accords in this respect with LP Policy D13 which seeks, amongst other things, to encourage an improved transport network and enhance road and personal safety. The proposal would also accord with the

provisions of the National Planning Policy Framework (Framework) in respect of highway safety.

Other Matters

21. Other appeal decisions that are cited by the appellant differ from the current proposal in several ways. Whilst they also concern digital advertisement displays within Bridgewater, these have a differing spatial relationship to the surrounding built environment and heritage assets and resulting effects on visual amenity. This limits the equivalence of the other cases to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
22. I acknowledge that digital advertising can provide wider public benefits such as high-quality designs, an uplift on business rates to spend on public services, greater flexibility and better access to advertising displays for local businesses and resultant economic benefit, a platform to broadcast emergency messaging, public messaging or public campaigns, and opportunities to integrate hardware to meet Smart City objectives.
23. Furthermore, the Framework identifies that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. However, these considerations are not without regard to the Framework as a whole and this is only of limited weight in favour of the proposal.

Conclusion

24. Notwithstanding my finding in respect of public safety, this does not outweigh the harm I have identified to the visual amenity of the area, having regard to the setting of a Grade II listed building. Consequently, For the reasons given above the appeal is dismissed.

S Harrington

INSPECTOR