



Appeal Decision

Site visit made on 10 December 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/E3335/Z/24/3354869

Bristol Road, Bridgwater, Somerset TA6 4RR

- 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 Estates Limited against the decision of Somerset Council.
- The application Ref is 09/24/00014.
- The advertisement proposed is erection of a D6 small format advertisement display and a D48 advertisement display.

Decision

1. That part of the appeal that relates to the D6 advertisement is allowed and express consent granted for its 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.
2. The part of the appeal that relates to the D48 advertisement is dismissed.

Preliminary Matters

3. The Control of Advertisement Regulations¹ (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 (PPG) reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
4. The Government published a revised Framework on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
5. The address in the banner heading above is taken from the Council decision notice as the postcode on the decision notice is more accurate than that given on the application form.

Main Issue

6. The main parties agree that the proposed advertisements would not be detrimental to amenity. Therefore, the main issue is the effect of the advertisements on public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

7. The Regulations, the Framework and the PPG require consideration of the effect of advertisements on public safety, which includes road safety, irrespective of whether or not there has been any conclusive evidence of correlation between advertisements and road safety.
8. The PPG states that all advertisements are intended to attract attention and establishes that advertisements in locations where drivers need to take more care, where local conditions present traffic hazards, such as at roundabouts, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would obstruct or confuse a road-user's view.
9. The appeal site comprises part of the land around the existing petrol filling station located on one edge of the roundabout junction between Bristol Road, the A38, and Express Park. The petrol filling station includes a number of advertisements including building signage, banners, flags, a totem displaying prices and a fabric advertisement on the outside elevation of the car wash structure. The wider area is a commercial/industrial, suburban, area.
10. The proposed D48 (6m x 3m) digital advertisement panel would be a new structure sited between the car wash and the back of the pavement along Bristol Road and would be in addition to the existing advertisements on and around the petrol filling station.
11. On the approach to the roundabout, from the North along Bristol Road, the traffic speeds would be slowing due to the give way line. Furthermore, the existing vegetation on the central area would screen views from this approach. From exiting Express Park views of the proposed advertisement would be restricted by the angle of the proposed sign and the other advertisements and structures on the petrol filling station.
12. However, there would be clear views of the proposed D48 advertisement whilst travelling around the roundabout, from the north, and also once a driver has left the roundabout and is approaching the signalised pedestrian crossing.
13. Whilst drivers would be anticipating the roundabout and would have advanced views of the pedestrian crossing lights when exiting it, they would also have views of the proposed advertisement. It would come into view as a driver is manoeuvring around the roundabout, approaching the exit and the pedestrian crossing. Although there is good forward visibility at this point the vehicle speeds would not be consistent. Vehicles would either be increasing speed to pull away from the roundabout or reducing speeds to stop for the traffic lights. The proximity of the pedestrian crossing and the roundabout provides local highway conditions where drivers need to take more care.
14. Even with the additional information provided regarding stopping sight distances and the advice in the Transport for London (TfL) document 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013), as detailed in the Axis Highways Technical Note 01, dated October 2024, in my judgement, there would be limited time for drivers to assimilate the road conditions. Drivers would need to be aware of the road layout, vehicle speeds, and the pedestrian crossing. The advertisement would, even with

illumination brightness set to be within the guidelines, static images, and instant changeovers, likely cause drivers to be distracted from the highway conditions, cause confusion to their views, and presents a risk to the users of the pedestrian crossing and other vehicles using the road.

15. The lack of an existing large format advertisement, whether digital or poster form, has meant that incidents recorded near the roundabout were not as a result of advertisements distracting drivers. However, the lack of evidence of such incidents at this junction would not provide certainty that the development would not distract drivers.
16. Some of the other advertisements referred to by the appellant, in the Axis Highways Technical Note 01, are in locations near busy junctions. However, some of the advertisements are also not near junctions and are sited along highways where there are no other distractions. Nevertheless, I have no compelling evidence that the other advertisements near junctions are directly comparable to the appeal before me. I also have no evidence that all of those advertisements were new structures and that there were not already advertisements in the same position, which would have been a material consideration in any decision.
17. The proposed D6 (1.23m x 2.4m) advertisement would be located near the entrance to the petrol filling station and would face into the site. The proposed D6 advertisement would not cause any adverse effects to amenity or public safety. The Council did not raise any objections to the D6 advertisement, and I have no reason to disagree with their conclusion on this part of the proposal. Furthermore, the Council has not objected to the siting of the D48 advertisement on amenity grounds and following my site visit I see no reason to disagree.
18. Nonetheless, for the above reasons, based on the evidence put before me and my own observations, I find that the proposed D48 advertisement would have an adverse effect on public (highway) safety. Although not determinative, there would, therefore, be conflict with the public safety aims of Policy D14 of the Sedgemoor Local Plan – Adopted Version, adopted February 2019 which, amongst other matters, seeks to ensure that development would not compromise the safety and/or function of the local road network and that it addresses the transport impact.

Other Matters

19. The appellant has referred to wider public benefits. That the scheme is well designed, of suitable materials and can be maintained are not public benefits. The appeal before me does not propose the removal of any existing advertisements and, consequently, the removal of others and reduction in vehicle movements and waste is not material to the appeal scheme.
20. The additional business rates and rent is not quantified but is a public benefit. However, this is not site specific, and I have no compelling evidence that other advertisements could not equally achieve the same. The ability of the panel to display emergency, local public messaging or art campaigns is also not a substantial or site specific benefit. Although none of these benefits would be achieved without the advertisement these matters would also not outweigh the harm I have identified.

Conclusion

21. I conclude that neither of the proposed advertisements would detract from amenity. Moreover, the D6 advertisement would not adversely affect public safety. The appeal is therefore allowed insofar as it concerns the D6 advertisement, subject to the standard conditions in the Regulations and subject to a five year time limit. A condition to require the development to be carried out in accordance with the submitted plans is not necessary or required under the advertisement regulations.
22. However, for the above reasons, the proposed D48 advertisement would result in adverse effects on public safety by reason of the effect on highway safety. The appeal is, therefore, dismissed insofar as it concerns the D48 advertisement.

K Townend

INSPECTOR