



Appeal Decision

Site visit made on 6 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Appeal Ref: APP/Z0116/H/24/3357272

Land Adj to Waste Transfer Station, Days Road, Bristol BS2 0JE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
- The appeal is made by Mr Martin Stephens of JCDecaux UK Limited against the decision of Bristol City Council.
- The application Ref 23/00854/A was approved on 27 November 2024 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is single sided illuminated landscape display facing south to show illuminated static images.
- The conditions in dispute are Nos 2, 3, 4(12), 4(13) and 4(14) which state that:
 2. *No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:*
 - o 24 hour emergency contact number;
 - o Hours of operation;
 - o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - o Routes for construction traffic;
 - o Locations for loading/unloading and storage of plant, waste and construction materials;
 - o Method of preventing mud being carried onto the highway;
 - o Measures to protect vulnerable road users (cyclists and pedestrians)
 - o Any necessary temporary traffic management measures;
 - o Arrangements for turning vehicles;
 - o Arrangements to receive abnormal loads or unusually large vehicles;
 - o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
 3. *No development shall take place until an Approval In Principle (AiP) Structural Report setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of road users) will be assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.*
 - 4(12). *Before the advertisement is displayed a monitoring scheme to assess the effect on highway safety shall be prepared, submitted to and approved in writing by the Local Planning Authority. Monitoring shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.*
 - 4(13). *The advertisement shall not be installed until an access, maintenance and inspection plan in relation to the advert unit has been prepared, submitted to and approved in writing by the Local Planning Authority. Thereafter the advert unit shall be maintained in accordance throughout its lifetime in accordance with the approved plan.*
 - 4(14). *When in operation the advertisement shall be monitored over a period of six months with reports produced on the luminance and effects on lighting of the adopted highway based on the surrounding lighting conditions, and the effects of the advertisement on road safety and in agreement with Local Planning Authority make recommended adjustments.*

- The reasons given for the conditions are:
 2. *In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.*
 3. *To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phase of the development.*
 - 4(12), 4(13), 4(14). *These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and to avoid undue distraction to motorists.*
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Decision

1. The appeal is allowed and the express consent Ref 23/00854/A for single sided illuminated landscape display facing south to show illuminated static images at Land Adj to Waste Transfer Station, Days Road, Bristol, BS2 0JE, granted on 27 November 2024 by Bristol City Council, is varied by deleting conditions 4(12) and 4(14).

Preliminary Matters

2. The address set out in the banner heading is taken from the Council's decision notice in the interests of clarity.
3. Powers under the Advertisement Regulations are exercised in the interests of amenity and public safety. I have taken account of policies in the development plan for the area, so far as they are material, along with other relevant factors.

Main Issue

4. The main issue is whether disputed conditions 2, 3, 4(12), 4(13) and 4(14) are reasonable and necessary in the interests of amenity and public safety.

Reasons

Disputed conditions 2 and 3

5. The consented advertisement would be erected next to the St Philips Causeway flyover, which is a busy dual carriageway that passes through the industrial, retail and leisure area of St Philips Marsh. Whilst the advertisement would be erected off the ground below the dual carriageway, it would rise above the road surface of the flyover, and it would be within close proximity of the road. The site is accessed off Days Lane and is near to a dead-end in the road where it changes to a pedestrian and cycle underpass beneath the dual carriageway.
6. Given the scale of the development and its distance from the dual carriageway, there would be potential risks to drivers using that road during the construction period of the development. Requiring a Construction Management Plan to be approved and adhered to is therefore reasonable and necessary to ensure that the safe use of the dual carriageway is not impeded. Likewise, the distance of the advertisement from the dual carriageway makes the Approval in Principle Structural Report reasonable and necessary to ensure that the structural integrity of the flyover is not compromised as a result of the development.
7. Furthermore, whilst the appellant asserts that these matters would be covered by other legislation, I have not been provided with such details. As the matter of highway safety is a key consideration for advertisement consent proposals, the conditions are relevant to planning and given that they seek to prevent the consented advertisement leading to highway safety being compromised, they are also relevant to the development being permitted.

8. I acknowledge that the Council may have not sought prior agreement for the pre-commencement conditions from the appellant. However, Section 100ZA of the Town and Country Planning Act 1990 (as amended) states that the requirement to obtain agreement for the attachment of pre-commencement conditions relates to the granting of planning permission, with the exception of outline planning permission. As such, the absence of an agreement from the appellant for the imposition of the pre-commencement conditions does not have a bearing on my judgement.
9. For these reasons, it has not been sufficiently demonstrated that the removal of disputed conditions 2 and 3 would not result in highway, and therefore public, safety being compromised. Consequently, the conditions are reasonable and necessary in the interests of highway safety and to ensure compliance with Policy BCS10 of the Bristol Development Framework Core Strategy 2011 (CS) and Policy DM23 of the Site Allocations and Development Management Policies Local Plan 2014 (LP), insofar as they seek to avoid development giving rise to unacceptable traffic conditions and for development to be designed and located to ensure the provision of safe streets.

Disputed condition 4(13)

10. The maintenance of the consented advertisement would be unlikely to involve using the adjacent flyover and it would be more likely that access would be achieved from where the site is located on Days Lane. Therefore, the inspection and maintenance of the advertisement would not interfere with vehicles on the flyover. However, it is reasonable and necessary to ensure that the advertisement is well maintained in the interests of visual amenity and public safety, and as it is not clear what the maintenance of the advertisement would involve in terms of vehicles, machinery and equipment, it is also reasonable and necessary to attach a condition that secures the maintenance arrangements relating to Days Lane.
11. Whilst disputed condition 4(13) is not included in the list of standard conditions set out under Schedule 2 of the 2007 Regulations, that only formed part of the reason for attaching the condition. The reason on the decision notice also mentioned avoiding undue distraction to motorists, which I find to be suitable and cogent reasoning for attaching the condition given the close proximity of the advertisement to the busy flyover.
12. For these reasons, it has not been sufficiently demonstrated that the removal of disputed condition 4(13) would not result in highway, and therefore public, safety being compromised. Consequently, the condition is reasonable and necessary in the interests of highway safety and to ensure compliance with Policy BCS10 of the CS and Policy DM23 of the LP.

Disputed conditions 4(12) and 4(14)

13. Disputed conditions 4(12) and 4(14) both require monitoring of the consented advertisement's effect on the public highway. As such, it would not be necessary to attach both conditions to the consent for the advertisement. However, both conditions have their own individual issues that I have set out below.
14. Condition 4(12) requires a monitoring scheme to assess the effect of the advertisement on highway safety to be submitted to the Council for approval, and the monitoring of the advertisement to be carried out in accordance with the

approved scheme. The condition is somewhat vague in its requirement to “assess the effect on highway safety” and it does not include an express facility to make adjustments arising from the monitoring. As such, its impreciseness and the absence of a means to enforce any recommendations arising from the monitoring scheme means that it is not a reasonable condition.

15. Condition 4(14) requires the effect of the advertisement’s luminance on the lighting of the public highway to be monitored for six months and then alterations to the luminance to be made in agreement with the Council. However, the condition does not contain a trigger for the six-month monitoring period to commence. Further, it is not clear how the effect of the advertisement’s lighting of the public highway would be quantifiable. In any event, the flyover has numerous lighting columns and there is another condition that restricts the luminance of the advertisement to an acceptable level. I am therefore not convinced that condition 4(14) is necessary in the interests of public safety.
16. My attention has been drawn to an allowed appeal for a similar form of advertisement on Bond Street South in Bristol¹, where conditions similar to disputed conditions 4(12) and 4(14) were imposed by the Inspector. Additionally, I have been referred to an advertisement consent granted by the Council for another similar form of advertisement, but on Merchant Street in Bristol². A condition like disputed condition 4(14) was attached to that consent. However, I have not been provided with the locational context of those advertisements and it is therefore not possible to make a meaningful comparison between those schemes and the appeal. Additionally, I am determining the appeal on its own individual merits based on the evidence before me. As such, those examples of other situations when similar conditions were imposed do not alter my judgement.
17. For these reasons, disputed conditions 4(12) and 4(14) are not reasonable or necessary. Their removal would not lead to a harmful effect on amenity or public safety. Without the conditions, the development would still be compliant with Policy BCS10 of the CS and Policy DM23 of the LP.

Conclusion

18. For the reasons given above, the appeal should be allowed, and the advertisement consent varied in the terms I have explained.

K Reeves

INSPECTOR

¹ Appeal reference APP/Z0116/Z/18/3209390

² Bristol City Council application reference 18/03803/A