

DEVELOPMENT CONTROL () DELEGATED
Land Rear Of Temple Trading Estate Cole Road Bristol

appeal outside the required timeframe for appeal submission. Hence, it was not considered.

RELEVANT PLANNING HISTORY

18/04924/A - Erection of a structure to support 2no. 12m wide x 3m high LED digital displays. REFUSED on 21.12.2018 for the following reason:

"By virtue of the size, scale and location of the proposed structure, the advertisement would unacceptably interrupt long-distance views to Clifton and the Totterdown escarpment. This would unacceptably impact on the amenity of vehicle users and would be contrary to policies BCS21 of the Bristol Development Framework Core Strategy (June 2011) and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (July 2014)."

09/01803/A - Installation of a tower to support 2 no. illuminated static displays [in close proximity to current advertisement application]. REFUSED on 07.07.2009 for the following reason:

"The proposed signage, by virtue of its position in relation to St Philips Causeway, would cause unacceptable highway safety issues. In addition, despite the relatively poor architectural quality of the surrounding area, the proposed tower and advertising unit would have a significantly intrusive and detrimental impact on local and long distance landscape views. The proposal is therefore in conflict with Policies B11 and B12 of the adopted Bristol Local Plan (December 1997) and the provisions of PPG19 - 'Outdoor Advertisement Control' (March 1992)."

The above application was dismissed at appeal (PINS reference: APP/Z0116/H/ 09/2108978). It refers to a site located approximately 60m to the northwest of the application site.

09/01830/A - Erection of an advertising tower to support 2 no. internally-illuminated 96 sheet displays, each of 3m high x 12m wide (plus framing). REFUSED on 07.07.2009 for the following reason:

"The proposed signage, by virtue of its position in relation to St Philips Causeway, would cause unacceptable highway safety issues. In addition, despite the relatively poor architectural quality of the surrounding area, the proposed tower and advertising unit would have a significantly intrusive and detrimental impact on local and long distance landscape views. The proposal is therefore in conflict with Policies B11 and B12 of the adopted Bristol Local Plan (December 1997) and the provisions of PPG19 - 'Outdoor Advertisement Control' (March 1992)."

The above application was allowed at appeal (PINS reference: APP/Z0116/H/09/2108977). This refers to a site on the opposite side of the carriageway to the application site.

13/03873/A - Replacement of two internally illuminated 12m by 3m high 'light box' advertising units with two internally illuminated 12m x 3m high 'LED screen' advertising units. APPROVED on 08.10.2013. [This approved the existing advertisement on the opposite side of the carriageway to the application site].

RESPONSE TO PUBLICITY AND CONSULTATION

57 representations, including 56 objections to the proposals, have been received from neighbours and amenity groups, including the Bristol Civic Society, The Plan-EL Neighbourhood Planning Group and The Christmas Steps Arts Quarter (Residents and Traders Association). Objections are summarised as follows and are discussed in Key Issues 1 and 2 below, unless otherwise indicated by officer notes in brackets:

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a) Amenity issues

- The proposed advertisement is too bright and large.
- The proposed advertisement is an eyesore.
- The existing advertisement on the other side of the road is already harmful to amenity. The proposed sign would result in even more harm.
- The proposed sign will cause light pollution (including to the night sky). [officer note: light levels could be controlled via a condition, should all other issues have been resolved].
- The proposal would create a "gate" of advertisements when combined with the existing structure. This would be more harmful than the existing situation, not beneficial as suggested by the applicant.
- The existing sign is in a prominent position and is visible from many areas around Bristol including Redland, Montpelier, Troopers Hill, St Michael's Hill, Barton Hill and Westbury Park. The current advertisement overpowers the existing views.
- The sign would obscure and interrupt views across the city, including long-range views to St Michael's Hill, Royal Fort House, and the Feeder Canal area.
- Bristol should be decluttering its streets, not adding clutter. The City Council already has a de-cluttering policy.
- Paragraph 132 of the NPPF needs to be considered.
- The proposals would set a precedent for other similar applications to be approved [officer note: each application needs to be considered on its own merits].
- The proposals would affect the amenity of passengers in a car.
- The existing proposals are visible from 3 miles away and interrupt the sleeping patterns of residents due to their brightness. The proposals would make this issue worse. [officer note: light levels could be controlled via a condition, should all other issues have been resolved].
- The applicant argues that the proposal is acceptable due to the proposed neighbouring regeneration proposals, but the proposals will further damage the character of the area.

b) Public safety issues

- The proposed sign will distract drivers, and could cause accidents. This is dangerous and is a highways safety issue.
- The Road Safety Audit is not adequate.
- The changing nature of the images would be particularly distracting.
- There would be a cumulative impact resulting from the existing and proposed sign. This would result in a "double distraction" to motorists.
- Motorists may be changing lanes at this location in readiness for the Days Road traffic lights.
- The applicant states that the signs will not be distracting, but this is their purpose. They will inevitably distract road users.
- The speed limit on this part of the road has recently been reduced from 50mph to 40mph. This appears to represent that this part of the road has been found to be dangerous and accident-prone. Therefore, a further distraction would be dangerous.

c) Other issues [officer note: applications for advertisements can only be considered in relation to amenity and public safety. Therefore, the below issues cannot be taken into account in the assessment].

- The existing sign on the other side of the road should not have been allowed.
- Such advertisements are not good for the economy.
- The proposed advertisement is not necessary.
- The current advertisement should be removed.
- The proposals would be a waste of energy and should not be allowed at such a time when

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climate change is such a big concern, and when Bristol has declared a climate emergency.

- The proposals have only been put forward in order to make money.
- Only large corporate companies would have the money to advertise on the screens, rather than smaller, independent and greener companies.
- The previous application has been dismissed.
- The Council should revisit the decision to allow the existing advertisement from the opposite side of the road to the proposed application [officer note: this decision has already been granted and the Local Planning Authority does not have the powers to revoke an approval].
- This development contradicts everything that Bristol stands for.

There were no representations of support.

Bristol City Council's Pollution Control Officer had no objection to the proposals.

Bristol City Council's Transport Development Management Officer's made the following comments:

"Principle

The application proposes to construct a digital advertisement display in line with the existing display next to St Philips Causeway (A4320). There have been three previous applications: i) 09/01830/A - this went to appeal; ii) 13/03873/A - this was approved subject to conditions; iii) 18/04924/A - this was refused on visual amenity grounds. Transport Development Management consider the application acceptable subject to the recommended conditions being applied.

Highway Network

The site is located next to St Philips Causeway (A4320), an elevated dual carriageway that runs between Lawrence Hill Roundabout (A420) and Bath Road (A4). From the roundabout via Easton Way (A4320) it provides links to Easton Road (B4465), Stapleton Road (A432) and junction three of the M32. The section of carriageway between the roundabout with Avonsmead Retail Park and the junction with Day's Road is subject to a 40mph speed limit. Either side the speed limit drops to just 30mph. On both sides of the carriageway there are cycle lanes, which are segregated through the use of chevron markings. Whilst there have been a number of accidents most of these occurred at the Lawrence Hill and Avonsmead roundabouts as well as at the junction with Day's Road. The only recorded accident that occurred near to the site was on the 14th of February 2016 at 9pm and involved a nose to tail collision between two cars that resulted in only a slight injury.

Digital Advertisement Display

The applicant proposes to construct a digital advertisement display alongside St Philips Causeway (A4320) that would measure 12.8m wide x 3.8m high. The display would be mounted on a 1.5m wide pole, 15.5m above ground level and be set 6m away from the elevated highway, in-line with the existing digital advertisement display, which it would mirror in every way. The display would be intermittently internally illuminated and change once every 10 seconds on a 40 second loop. 19 objections have been made by members of the public citing highway safety concerns. Of these one objection cites a number of documents which they feel should be taken into consideration. These are:

- External To Vehicle Driver Distraction - Scottish Executive Social Research, 19 May 2006
- Driven To Distraction: Determining The Effects Of Roadside Advertising On Driver Attention - Brunel University, 2007
- Safety Impacts Of The Emerging Digital Display Technology For Outdoor Advertising Signs
- The National Academies of Sciences, Engineering, and Medicine, 22 April 2009

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- The Role Of Roadside Advertising Signs In Distracting Drivers - International Journal Of Industrial Ergonomics Volume 40, Issue 3, May 2010, Pages 233 to 236
- Investigating Driver Distraction: The Effects Of Video and Static Advertising - The Future Of Transport, 12 May 2010
- Five Years After Banning Outdoor Ads, Brazil's Largest City Is More Vibrant Than Ever - New Dream, 8 December 2011
- Effects Of Electronic Billboards On Driver Distraction - US National Library of Medicine National Institutes of Health, 2013

As these are not statutory documents, Transport Development Management doesn't consider they can be taken into material consideration. If the proposed digital advertisement displays were located closer to the junctions at either end of the elevated highway, then Transport Development Management would concur with the documents conclusions that that digital advertising displays can constitute a distraction to motorists. However, other than the change in the speed limit to 40mph (which is in line with the councils policy to reduce road speeds across the city), there is no material difference between this application and the previous application for the site - 18/04924/A. This being the case Transport Development Management considers that the proposal is acceptable on highway safety grounds subject to the applicant meeting all of the recommended conditions. Due to its proximity to the elevated highway the applicant will be required to submit an Approval In Principle Structural Report.

Recommendation

Based the fact that there is no material difference to the previous application, other than the reduction in the speed limit, Transport Development Management considers the proposals to be acceptable."

The Transport Development Management Officer advised conditions to be applied in the event of an approval.

RELEVANT POLICIES

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

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

Paragraph 132 of the National Planning Policy Framework (February 2019) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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Policy BCS21 in the Bristol Core Strategy (Adopted 2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Site Allocations and Development Management Policy DM29 (2014) states that external signage should adopt a scale, detail and siting appropriate the wider street scene and longer distance views.

1. Amenity

As set out above, concerns have been raised by objectors regarding visual amenity. The Local Planning Authority's concerns about visual amenity are similar to those raised when assessing the previously-refused application of the same size and appearance (18/04924/A). These are repeated below as relevant. The applicant's supporting documents raise some counter-arguments which are referenced and addressed where relevant.

The appeal history of the immediate surroundings is relevant. Application 09/01830/A (for a backlit, two-sided advert) related to a site on the opposite side of the dual carriageway. That application was refused by the LPA on the grounds of unacceptable highways safety issues and detrimental impact on local and long-distance views. The inspector did not consider that the proposals would "detract from distant views of interest". Neither did the inspector consider that there were any highways issues of concern (PINS reference: APP/Z0116/H/09/2108977). That appeal was allowed. The consented advertisement was subsequently replaced by an LED-illuminated advertisement, as approved under reference 13/03873/A. That advertisement is currently in place and is located on the opposite side of the carriageway to the existing application site.

However, whilst the inspector did not have concerns about the amenity impacts arising from proposals set out under 09/01830/A, the appeal relating to a site located approximately 60m from the current site (and on the same side of the highway as the current application) was dismissed at appeal on the grounds of impacts on visual amenity. The appeal decision (APP/Z0116/H/09/2108978) states the following:

"Turning now to Site B, the north facing panel would be seen across the carriageway against rising land at Totterdown. The south facing panel would, in part, be contained against a belt of conifer trees, but there are distant views towards higher ground at Clifton. The views in both directions are attractive and draw the eye away from the commercial and industrial development in the foreground. Features of interest can be picked out in the views, for example, the Wills Memorial Building in the view towards Clifton. The panels would not obscure the views for the whole length of journeys across the causeway. Nevertheless, because of their width, height, illumination and generally colourful displays, I consider that the panels would stand out as bold and intrusive features which would interrupt the distant views enjoyed by passing drivers and, more particularly, passengers to such an extent that this would have a significant adverse impact on visual amenity."

In assessing the current application, officers need to consider whether the inspector's previous concerns have been overcome, taking into account: the alteration of location (approximately 60m away from the previous site); any tree growth that may have occurred; changes to the policy framework; and any other relevant material considerations.

It is important to note that the inspector's decision refers to views in both directions being "attractive". It refers to views to the north towards Clifton and views to the south against rising land at Totterdown.

The inspector's appeal decision refers to the fact that the panels would not obscure the views for the whole length of the journeys across the causeway. This is also considered to be the case for the current application. However, the proposed advertisement would still be a visually-jarring and

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incongruous feature which would stand out as an intrusive element in the landscape. Whilst the proposed advertisement may indeed not obscure all views for the whole length of a car journey, they would still interfere with vehicle-users' enjoyment and appreciation of the same attractive long-distance views referenced in the previous appeal decision, namely those towards Clifton in the north, and those views towards rising land at Totterdown to the south. The proposals would draw the eye away from those views.

The applicant has stated that the trees referred to in the 2009 decision have grown in size and therefore draw the eye to the foreground during journeys in a northward direction (para 1.19 of applicant's visual impact assessment). Previously, the applicant argued that the trees also obscured the long-distance views more than was the case in 2009. However, to the knowledge of the Local Planning Authority, those trees are not in land controlled by the applicant and could be felled or pruned at any time without consent. Furthermore, it is not considered that the increase in growth is so significant as to result in the officer assessment set out above being materially different to the assessment of the inspector in 2009.

The alteration in the site location, as referred to above, means that that the proposals would be located further away from the belt of trees referenced in the previous inspector's decision. This is considered to decrease the 'enclosing' or 'containing' aspect of the trees and increase the impact of the proposed advertisement.

The relevant policy framework is set out above and contains strong policies on amenity and design. It is not considered that there is any change to the policy framework that would invalidate the inspector's previous assessment.

The applicant has also referred to other sites, where consent was granted. However, each case must be determined on its own merits.

Objectors have referred to long-distance views of the existing advertisement from various locations throughout the city. It is true that the existing advert is visible from a number of locations. The officer assessment in this case is based mainly on the degree to which the current proposals overcome previous inspector concerns. However, it is acknowledged that the current advertisement is visible from a number of locations, as referred to by objectors, causing a degree of harm, and also that the addition of the current proposals would compound this.

Objectors have referred to the fact that the proposals would create a "gate" of structures and that there would be a cumulative impact arising. Whilst the proposed advertisement compounds the impact of the existing advert, this impact is not considered to be so harmful as to warrant refusal on this basis alone. However, the applicant goes as far as to say that the pair of structures would have a positive benefit in that would result in a symmetrical "gateway" of structures into the city (para. 6.6 of the applicant's planning statement). Officers do not consider this to be a positive benefit. Officers consider that that the cumulative impact of the proposed structure combined with the existing would have a negative impact. The fact that the proposals would bring symmetry does not alter this assessment.

The applicant's planning statement (para. 6.22-6.32) refers to a changing context. It sets out that areas to the northwest of the application site are identified by the Council for regeneration and intensification. Bristol City Council's emerging Local Plan has not been adopted and so can be given relatively little weight in the planning assessment. The applicant has referred to a number of other pipeline proposals. However, many of these are either at early stages or do not have the benefit of a detailed design. For example, page 9 of the applicant's planning report refers to three cases, none of which have been given permission: application 18/04844/P has been refused (albeit not specifically on concerns relating to development height or interference with views); application

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17/05513/SCR has been withdrawn; and application 18/03878/SCR is a screening opinion application. It is accepted that there may be development coming forward in the areas identified by the applicant, but the nature and heights of any development are not yet known. The officer assessment is based on the present situation. The applicant has also stated the relevant development frameworks and emerging policies do not protect any key views. This is true, but each case and proposed development must be considered on its own merits. The views from St Philips Causeway are from an elevated position. LPA policies relating to visual amenity continue to be relevant despite the absence of protected views in any current or emerging development frameworks or plans.

The applicant has submitted a video recording of a vehicle trip across St Philips Causeway. This omits certain sections of a passenger's field of vision that would be particularly affected by the proposals. For example, on the northbound approach to the proposed site, long-distance views towards Clifton are not shown in the field of vision covered by the video. Officers have visited the site and the submitted videos do not alter the officer assessment.

In summary, by virtue of the size, scale and location of the proposed structure, the advertisement would unacceptably interrupt long-distance views to Clifton and the Totterdown escarpment. This would unacceptably impact on the amenity of vehicle users and would be contrary to policies BCS21 of the Bristol Development Framework Core Strategy (June 2011) and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (July 2014). It is not considered that the proposals or site constraints are materially altered to a degree that would overcome the inspector's concerns (when considering appeal case APP/Z0116/H/ 09/2108978). The proposals are therefore recommended for refusal.

2. Public safety

As set out above, concern has been raised about the impacts of the proposals on public safety due to highways safety issues, in particular driver distraction arising from the proposed sign, individually and in combination with the existing sign on the other side of the carriageway to the application site.

Application 09/01803/A (located approximately 60m to the northwest of the application site) was refused in part on the basis that it would "cause unacceptable highway safety issues". That application was for a backlit two-sided advert. As set out above, that application was dismissed at appeal. However, the inspector did not consider that there would be any harm to highways safety. The below is an extract from the Inspector's report (Planning Inspectorate reference: APP/Z0116/H09/2108978 - Appeal B):

"As regards highways safety, the approach along the causeway to the appeal sites, both north and southbound is straightforward. The dual carriageway has a 50 mph speed limit and is nearly straight. There would be no junctions or directional signs in the immediate vicinity of the appeal sites. A roundabout junction at Avon Meads is about 350 metres to the south of Site A. Directional signs and a 30mph restriction would not be visible until a driver had passed the appeal sites. There are traffic signals at the Days Road junction about 400 metres to the north of Site B, but the signals are not visible until a driver has passed the appeal sites. Having regard to this situation, I consider that, given their locations, the proposals would not be so distracting or so confusing that they would create a hazard to, or endanger, people in the vicinity who are taking reasonable care for their own and other's safety. I therefore conclude that the proposals would not result in harm to highways safety."

The applicant was asked to submit a Road Safety Audit in support of their application. This concluded that there were not any road safety issues. The Transport Development Officer has not objected to the proposals and has advised that the proposals are acceptable on highways safety

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grounds. As set out by the Inspector in the previous appeal case, the carriageway is nearly straight at the application site and there are no junctions or directional signs in the immediate vicinity of the appeal site. The only recorded accident that occurred near to the site involved a nose-to tail collision between two cars. This occurred approximately 385m further northwest along the carriageway.

The presence of the new cycleway has been considered and taken into account in the officer assessment. The cycleway is separated from the rest of the carriageway by raised markings. The change in speed limit from 50mph to 40mph is in line with the Council's policy to reduce road speeds across the city.

The fact that the application site is 60m away from the appeal site has also been taken into account, but the difference in location is not considered to be so great as to lead officers to come to a different conclusion to that to the inspector.

The applicant has drawn attention to a previous Inspector's appeal decision from a case in Leeds (LPA reference 15/06431/ADV, Planning Inspectorate reference APP/N4720/Z/16/3150999). This is similar to the current case in some respects. For example, the applicant proposed a digital advertisement displace on the opposite site of an existing similar advert on an elevated section of a relatively straight section of a dual carriageway. The inspector did not consider that there were any highways safety issues that would warrant refusal on public safety grounds. This appeal decision is noted. However, each case must be determined on its own merits, and the assessment of the current case is based in the main on the relevant local and national policy, site constraints and the proposals and supporting information submitted to the LPA.

In summary, as set out in the advice from the Transport Development Management Officer and the comments of the Inspector, the road is relatively straight and there are no junctions or directional signs in the immediate vicinity of the site. The comments from objectors are noted and have been carefully considered. The appeals history of the site needs to be taken into account. Neither the nature of the site (including the new cycleway), nor location of the proposed advertisement have changed to a degree that would lead officers to come to any other conclusion than that of the inspector in 2009 with regards to highways safety. In conclusion, the proposals are not considered to result in any highways safety issues that would warrant refusal of the application.

Conclusion: The case is recommended for refusal on amenity grounds.

RECOMMENDED REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. By virtue of the size, scale and location of the proposed structure, the advertisement would unacceptably interrupt long-distance views to Clifton and the Totterdown escarpment. This would unacceptably impact on the amenity of vehicle users and would be contrary to policies BCS21 of the Bristol Development Framework Core Strategy (June 2011) and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (July 2014).

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Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-
Proposed site plan, received 5 July 2019
Proposed North West elevation, received 5 July 2019
Proposed South East elevation, received 5 July 2019

Case Officer: Kayna Tregay

Authorisation: Paul Chick

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