

WARD: Lawrence Hill **CONTACT OFFICER:** Natalie Queffurus
SITE ADDRESS: Public Footpath West Side Of Bond Street South Bristol BS1 3EN

APPLICATION NO: 18/01892/A Advertisement

DETERMINATION DEADLINE: 4 June 2018

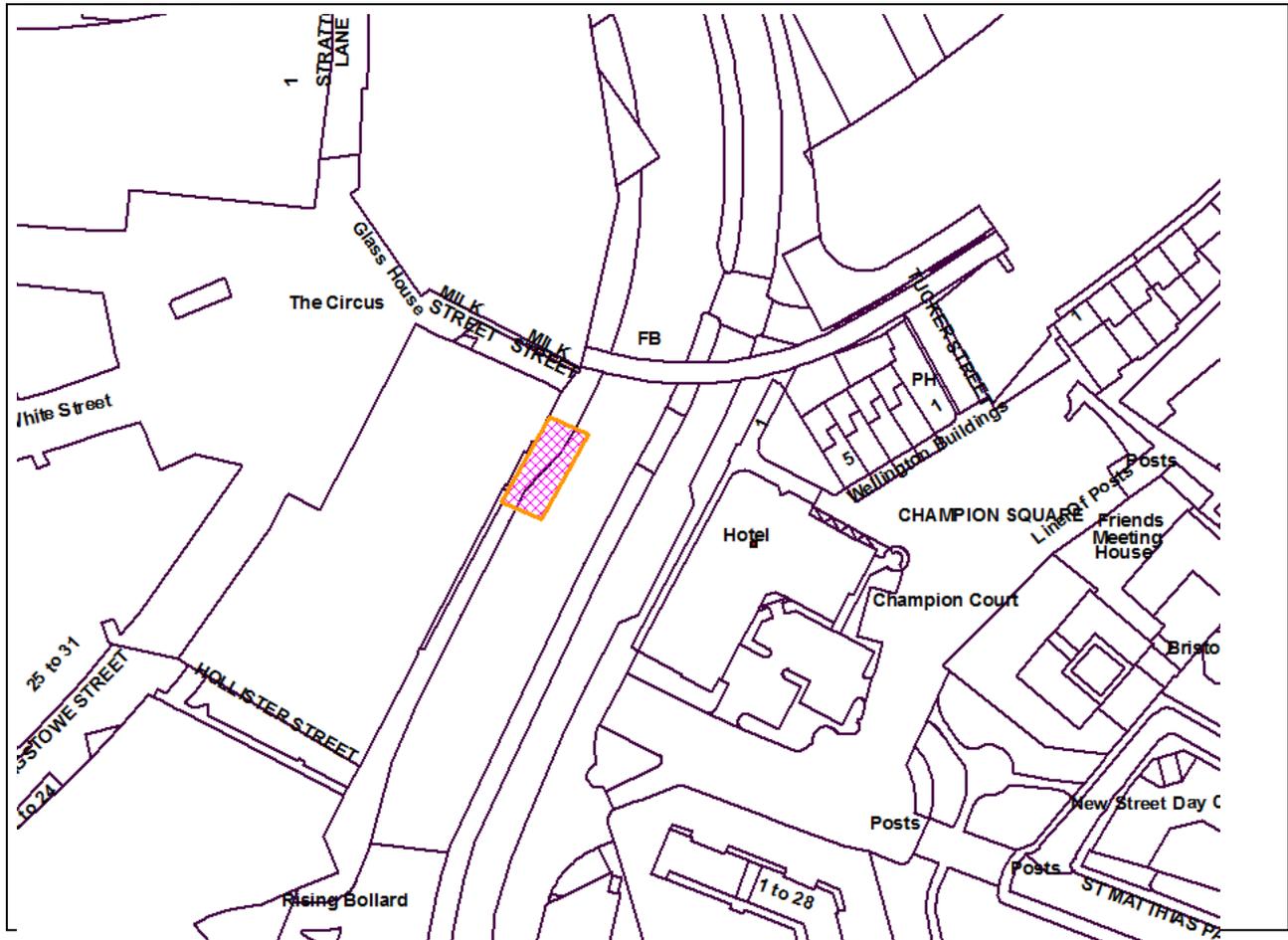
This application seeks consent for the erection and display of a single sided advertising structure to be used to show illuminated advertisements capable of automatic change of image.

RECOMMENDATION: Grant subject to Condition(s)

APPLICANT: JCDecaux UK Limited
991 Great West Road
Brentford
Middlesex
TW8 9DN

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 11 July 2018**Application No. 18/01892/A : Public Footpath West Side Of Bond Street South Bristol BS1 3EN****SUMMARY**

The application site is located within Central Bristol, in the ward of Lawrence Hill. The site is located on the northern extent of a bus stop / bus layby on the west side of Bond Street and to the rear of Cabot Circus. Its immediate boundaries are formed by the northbound carriageway of Bond Street and an associated bus layby, south of the site is an elevated walkway which provides pedestrian access from the multi-storey car park to Cabot Circus.

The application submitted by JCDecaux UK Limited seeks express consent for a single sided digital advert. The advertisement would be a portrait display affixed to a single central leg support and elevated above the carriageway by 2.875m. The unit would have overall dimensions of 10.9m in height by 5.090m in width and would provide an area of advertising display of approximately 7.680m in height by 4.755m in width. The unit would display static images only that change automatically and would be angled at approximately 50° to the road so as to be visible to northbound drivers only.

Part 1, Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 outlines that a local planning authority shall exercise its powers under these Regulations 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. As such, the key issues in the report concern the impact of the proposed development on amenity and public safety.

In relation to impact on amenity, it is considered that given the site's location within a commercial and transport corridor location, outside a Conservation Area and away from any designated heritage assets, the proposed development would have no impact on the amenity of the area or the local context.

In terms of public safety, given the site's location adjacent to a public highway, this matter has been considered in detail by the Council's Transport Development Management department both at the pre-application stage and during the determination of the application. The Applicant has submitted a Highway Report and Road Safety Audit in support of the application and the Transport Officer has concluded that given the design and siting of the proposed advert, it is considered that the proposed development would be acceptable in public safety terms subject to a number of highways conditions.

The application is recommended for approval subject to the conditions attached to this report.

SITE DESCRIPTION

The application site is located within Central Bristol, in the ward of Lawrence Hill. The site is located on the northern extent of an existing bus stop / bus layby on the west side of Bond Street and to the rear of Cabot Circus. Its immediate boundaries are formed by the western carriageway of Bond Street and the associated bus layby, the rear of Cabot Circus and to the north the elevated walkway which provides pedestrian access from the multi-storey car park to Cabot Circus. In advance of the advertising location is a traffic signal junction controlling two lanes of traffic each from two approaches. The layout of the road at this location is straightforward. Lane discipline was observed as good and drivers have ample time to determine which lane to choose.

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RELEVANT HISTORY

There is no relevant planning history for this site.

A pre-application enquiry was submitted:

17/04156/PREAPP: Erection of a single-sided, freestanding, portrait, digital advertisement display of approximately 8x5m in size (facing South).

Pre-application advice issued December 2017.

APPLICATION

The application seeks advertising consent (express consent) for the erection of single sided digital advert within an existing bus layby on Bond Street. The advertisement would be a portrait display affixed to a single central leg support and elevated above the carriageway by 2.875m. The unit would have overall dimensions of 10.9m in height by 5.090m in width and would provide an area of advertising display of approximately 7.680m in height by 4.755m in width.

The unit would display static images that change automatically every 10 seconds, through an LED display set at 300 cd/m and reduced to 150 cd/m between the hours of 23.00-06.00. The unit would face south at a 50° to the road and the display would be visible to northbound drivers only. In addition to the main unit, a small power and data cabinet would be located at the edge of the footpath nearest to Cabot Circus.

The proposals also seek the realignment of the bus layby and extension of the footpath through a new buildout around the advert at the northern end of the layby. This reclaimed space would be approximately 20m in length by 2.8m in width. Service vehicles for the advertisement would use the bus layby to park in front of the unit and would need to visit the site up to four times a year to clean the face of the LED modules.

The proposals would not require the relocation of any existing traffic infrastructure (lights or signage) which are all positioned either to the side of the unit or above the carriageway on a gantry head.

The application seeks temporary express consent for five years.

RESPONSE TO PUBLICITY AND CONSULTATION

Site notices were issued and letters sent to neighbouring properties.

In total, 37 comments were made in response to the application. All 37 comments were in objection to the application proposals.

IN OBJECTION

Comments were made in objection on the following grounds:

- Distraction to drivers;
- Impact on residential amenity / hotel users through light pollution;
- Risk to pedestrian and cyclist safety;
- Sustainability and energy consumption;
- Risk that consent would set a precedent for other adverts in the City;
- Danger to wildlife;

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- Impacts on quality of life;
- Only a commercial enterprise; and
- Visual clutter.

COMMENTS FROM COUNCILLORS

The application has been referred to Development Control Committee by Councillor Margaret Hickman.

Councillor Paula O'Rourke – Objection

I object to this application on the grounds that such adverts are a hazard to drivers and add to the pollution of the night sky. These adverts also lead to loss of amenity for local residents and often pressurise the poorest of our city to become rampant consumers, spending money they can ill afford.

Councillor Stephen Clarke – Objection

I strongly object to this very large intrusion into the public space of Bristol. Such screens are a bad idea because:

They distract drivers. This is of course what they are supposed to do in order to sell goods but, as they are sited on major roads such as this one, this distraction can easily lead to accidents. A study in Sweden found that they distract a driver for up to two seconds. At 70 mph this is a long time to travel. They have subsequently been banned by Sweden.

They are visual pollution ('sky trash') in public areas where no consent has been obtained from the public.

They are very carbon intensive. The large ones contain up to 10,000 LED bulbs and use the same power (for 24/7) as up to 30 residential houses.

There is a social justice issue. They are often found in more deprived areas of urban environments.

For these reasons and others, many communities have banned them. A long list of these (up to 1400 worldwide at the last count) includes Auckland, Bergen, Hawaii and 700 other communities in the USA.

I think this application should be rejected for the following planning reasons:

- harm to local amenity of the area,
- impact on driver safety on Bond St ; it would be a 'distraction' in an area where queues are common.

It would be visually incongruous to the townscape and would dominate views.

COMMENTS FROM CONSULTÉES

Transport Development Management – No objection

Policy Background

Planning Guidance (NPPG) outlines that advertisements must not create a road safety danger, by virtue of its siting or nature and lists specific cases where advertising is considered unacceptable.

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Distraction and confusion can be caused by additional cognitive demand on a drivers' attention. Where a driver is already experiencing significant demand through challenging road functions, it is important not to add any further unnecessary distraction, particularly where there are vulnerable road users present.

Pre-Application discussions

TDM has had extensive pre-application discussions with the applicants. The site represented in the submitted application is considered one of the limited locations with the least impact on road safety and driver distraction within the scope of the identified corridor.

Existing Situation

Bond Street northbound operates one way as part of the dual carriageway and is part of a busy and active part of Bristol's primary route network, forming part of the A4044 corridor. In advance of the advertising location is a traffic signal junction controlling two lanes of traffic each from two approaches. The layout of the road at this location is straightforward. Lane discipline as observed as good and drivers have ample time to determine which lane to choose.

A signalised pedestrian crossing point is located behind the proposed advert. This includes a number of signal heads and a gantry head signal so all lanes of traffic can view a signal head at the crossing point.

One slight injury accident has been recorded in the vicinity of the site according to accident records, which took place in 2014.

Previous Applications

The Highway Authority is naturally resistant to any potential additional distraction on the highway network which would give rise to collisions and take their duty to prevent accidents on the network most seriously. Previous applications for other advertising panels in Bristol and indeed in this area have been refused on highway safety grounds and such decisions upheld by Planning Inspectors on the basis that they did not satisfactorily demonstrate that they wouldn't create safety problems.

However, TDM must also pay regard to previous Planning Inspectors' decisions on applications where Inspectors have deemed such adverts to be acceptable if they meet the tests of the planning guidance. It is therefore essential to treat each site specifically on its own merits.

Technical Considerations

This panel is located on a new buildout within the existing bus layby to reduce the impact on the existing footway widths along this strategic route. The loss of a small element of this layby is not considered unacceptable in this instance, subject to the relocation and extension of the bus stop boarder kerbing to enable improved boarding and alighting, thereby mitigating the reduction in kerbside space for passenger transport. The unit does not impede drivers' view of the signal heads. It does not impede sight lines to junctions and by virtue of its height will give adequate clearance to pedestrians.

A number of robust planning conditions could reduce the type of images, number of changes and luminance of the sign, based around industry standards and other permitted digital signs city and country-wide.

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It is clear that drivers' attention will be drawn to the advert, as this is their purpose, but the panel is visible for such distance as to not create a last minute distraction and drivers will have the opportunity to assimilate the road layout and any potential advertising in adequate time.

In view of this, whilst it is recognised that there are a number of objections to the proposal on highway safety grounds, it has been concluded by officers that it would be difficult to sustain a refusal on this basis in this specific location.

At pre-application stage, it was made clear to the applicants that detailed information based on topographical surveys would be required to inform whether adequate space was available for the advertising unit. This has not been provided with the application, and as such it is necessary to include conditions securing detailed design to ensure that the scheme is indeed practically deliverable, as well as securing highways structural AIP, before any works take place on the highway.

Furthermore, the lifetime of the advertisement would be limited to 5 years as standard, and a road safety monitoring strategy will be conditioned to ensure that any unforeseen difficulties arise.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan comprising: Core Strategy (Adopted June 2011), Site Allocations 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 2016 and Lawrence Weston Neighbourhood Development Plan 2017.

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

A) WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO AMENITY?

Part 1, Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 outlines that a local planning authority shall exercise its powers under these Regulations 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.

Amenity:

Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.

Policy BSC21 of the Bristol Core Strategy states that new development in Bristol should safeguard the amenity of existing development.

The application site is situated within a busy transport corridor in the centre of Bristol and is surrounded by a number of commercial properties including retail units and a hotel and the busy Bond Street carriageway, which acts as a key transport route through the City.

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The site is not located within a Conservation Area and the nearest designated heritage asset is the Grade II listed Phoenix Public House is located some 80m to the east and has no direct views of the site.

It is considered that the general characteristics of the locality are defined by transport infrastructure and high rise commercial properties including the rear of Cabot Circus which extends up to five storeys in this location.

Given that the dominant features surrounding the site are a road corridor and commercial properties, including the rear of Cabot Circus, it is considered that the proposed development would have no detrimental impact on amenity. There are no residential properties in the site's immediate context and whilst the Future Inn hotel is located opposite on the other side of the carriageway, given the separation distance between the hotel and the unit (approximately 34m), plus the unit's reduction in brightness to 150 cd/m between the hours of 23.00-06.00, it is concluded that the proposals would not harm the interests of amenity in this location.

Furthermore, extensive pre-application discussions between the Applicant and the Council were undertaken prior to submission, to determine the most suitable location for the unit in this corridor. During these discussions a number of site locations were considered and discounted and it was concluded that this site at Bond Street was the most suitable location in this part of the City and would not harm the visual amenities of the immediate area, given its largely commercial context.

Officers have concluded that the proposed development would cause no unacceptable harm to amenity in accordance with the powers granted to the local planning authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy BSC21.

B) WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO PUBLIC SAFETY?

Part 1, Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 outlines that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety.

With reference to public safety the Act states that factors relevant to public safety include:

- the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

The Act further states that under regulation 13(1)(e), the highway authority must be consulted by the local planning authority if an application express consent relates to a proposed advertisement that is visible from the highway and has moving features, moving parts or flashing lights.

Policy DM23 of the Site Allocations and Development Management Policies outlines that development should not give rise to unacceptable traffic conditions.

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Given the application site's location on a public highway, its impact on public safety has been fully considered as part of this application and consultation with the Council's Transport Development Management department has been required to assess these impacts.

Transport Development Management (TDM) has concluded that the loss of a small element of this layby is not considered unacceptable in this instance, subject to the relocation and extension of the bus stop boarder kerbing to enable improved boarding and alighting, thereby mitigating the reduction in kerbside space for passenger transport.

A number of concerns have been raised by objectors about the adverts potential to distract drivers, however TDM have concluded that whilst it is clear that drivers' attention will be drawn to the advert, as this is their purpose, the panel is visible for such distance as to not create a last minute distraction and drivers will have the opportunity to assimilate the road layout and any potential advertising in adequate time. It has therefore been concluded by officers that it would be difficult to sustain a refusal on this basis in this specific location.

Furthermore, the advert would not impede drivers' view of the signal heads. It does not impede sight lines to junctions and by virtue of its height will give adequate clearance to pedestrians. A number of planning conditions have also been requested by TDM to reduce the type of images, number of changes and luminance of the sign, based around industry standards and other permitted digital signs city and country-wide.

Based on the above conclusions on public safety and subject to planning conditions, Officers have concluded that the proposed development would have no impact on public safety in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Policy DM23.

SUMMARY

It is considered that the proposed advert at Bond Street would not have any detrimental impact in the interests of amenity or public safety. The site is located within a commercial area and transport corridor, defined by high rise commercial properties including the rear of Cabot Circus and the Future Inn Hotel and by Bond Street a significant transport route through City. The site is not located within a Conservation Area and will have no impact on any designated heritage assets. Furthermore, the Highway Report and Road Safety Audit submitted with the application, plus the conditions requested by TDM demonstrate that the proposed development would have no unacceptable harm to the interests of amenity or public safety.

Officers recommend that the proposed development should be granted express consent in accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 subject to the conditions outlined below and including those requested by Transport Development Management.

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RECOMMENDED Grant subject to Planning Conditions

D6 Standard Advertisement Conditions

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

D6A Standard Advertisement Time Condition

6. This consent shall be restricted to a period of five years from the date of the consent.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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7. Advertising Management

The advertisement hereby permitted will accord with the following requirements:

- The advert will not include moving or apparently moving images. The nature of the changes between different advertisements shall not give the appearance of movement
- The advert will not contain any images which may be interpreted as road signs
- No advertisement shall emit sound, smoke or odours
- No message sequencing will occur nor interactive messages be displayed
- The advert will not change more frequently than every 10 seconds
- Any sequential change between advertisements will take place over a period no greater than 1 second
- The advertisement shall be equipped with a dimmer control and photo cell which shall constantly monitor ambient lighting conditions and adjust sign brightness accordingly.
- The luminance will not exceed 300cd/m², unless otherwise agreed with the Local Planning Authority following monitoring
- The advertisement will go to a blank (dark) screen should it malfunction
- When in operation the advert shall be monitored over a period of 6 months with reports produced on the luminance and effects on lighting of the public highway based on the surrounding lighting conditions, and the effects of the sign on road safety and in agreement with LPA make recommended adjustments.

Reason: In the interests of highway safety

Pre-commencement

8. Road Safety Monitoring

Before the advertisement is displayed a monitoring scheme to assess the effect on highway safety shall be 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.

Reason: In the interests of highway safety

9. Construction Management Plan

No development shall take place demolition until a highway network construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the highway. For Bristol City Council's guidance on preparation of CMP contact TransportDM@bristol.gov.uk

10. Highway Works

The advertisement shall not be installed until detailed construction details of the erection of the advertising unit, relocation of street furniture, buildout and relocation and extension of the raised bus kerb have been submitted and agreed in writing by the Local Planning Authority. The advertisement shall thereafter be installed to the approved detail.

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Reason: In the interests of public safety and to ensure that all road works associated with the proposal are undertaken to a standard approved by the Local Planning Authority, and are completed before use.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the City Council's technical approval and inspection fees paid before any drawings are considered and approved and formal technical approval is necessary prior to any works being permitted.

11. Structure on the Highway

The advertisement shall not be installed until Highway Structures Approval in Principle (AIP) has been submitted and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

12. Access, Maintenance and Inspection Plan

The advertisement shall not be installed until an access, maintenance and inspection plan in relation to the advert unit has been submitted to and approved in writing by the Local Planning Authority. Thereafter the advert unit shall be maintained in accordance throughout its lifetime accordance with the approved plan.

Reason: In the interests of highway safety

Informative

1024 Works on the Public Highway

The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking work on the highway you must enter into a formal agreement with the Council which would specify the works and the terms and conditions under which they are to be carried out. You should contact TDM by emailing TransportDM@bristol.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's cost's in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee equivalent to 15% of the planning application fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Supporting Documents

3. Public footpath west side of Bond Street South

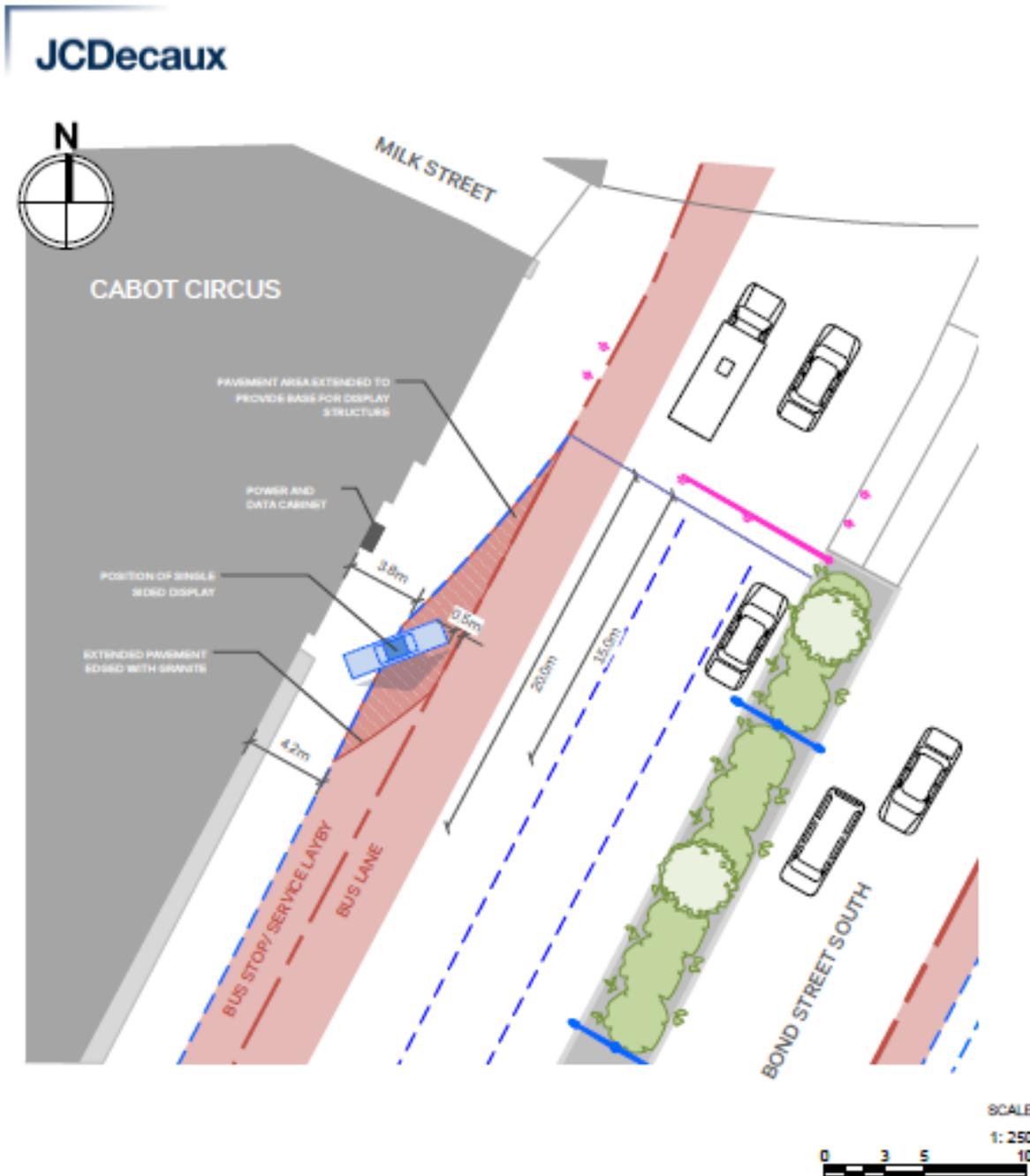
1. Site location
2. Proposed design
3. Structure detail
4. Photomontage images

Site Location



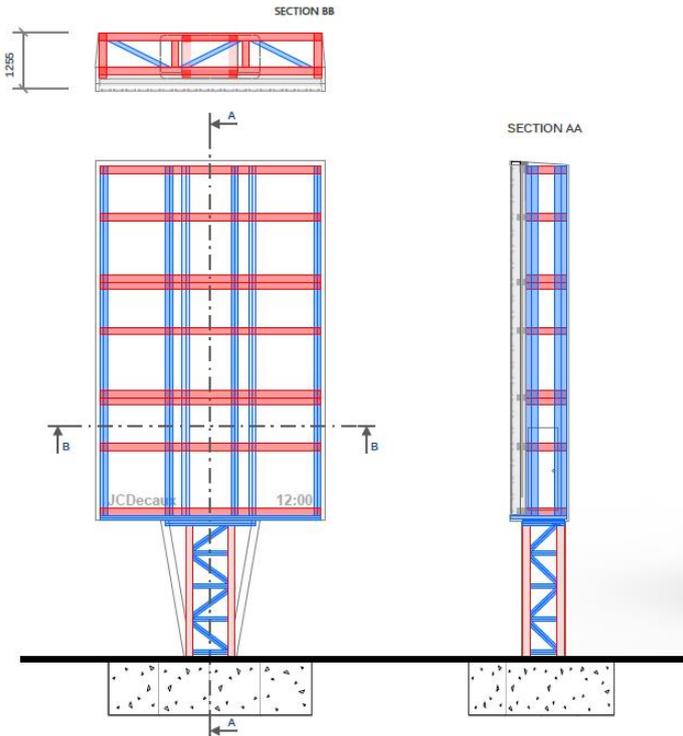
E: 359425.23 N: 173582.43

Proposed Design



Proposed Design

JCDecaux



Structure Detail D450 Portrait Mono-leg Design



Structure Detail Rendered Images



RAL 7040
WINDOW GREY
Leg Support and Box Outer
Cladding



RAL 9005
JET BLACK
Screen Surround and Returns



Integrated Nameplate and Clock

Proposed Design

Photomontage Images

Site A



Existing View



Proposed View