



**Development Control Committee B – 11 July 2018**  
**Application No. 18/01897/A : Central Reservation Temple Way Bristol BS1 6NH**

## **SUMMARY**

The application site is located within Central Bristol, in the Central ward. The site is located within the central reservation on Temple Way, to the south of Temple Bridge and at the junction with Temple Back. Its immediate boundaries are formed by both the northbound and southbound carriageways of Temple Way and the T-junction between Temple Way and Temple Back, north of the site is the Temple Bridge.

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 90° to the road so as to be visible to southbound 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 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 with the application and given the Transport Officer has concluded that given the design and siting of the proposed advert and a number of requested highways conditions, 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 Central ward. The site is located on the southern extent of a central reservation between Temple Bridge and Temple Back, located between the northbound and southbound carriageways of Temple Way. Its immediate boundaries are formed by the Temple Way carriageways, office buildings including DAS House, Temple Quay and the Hilton Garden Inn Bristol. Temple Bridge is located approximately 75m north of the site. The junction and signal heads are on a straight approach. The layout is straightforward with limited lane changing on the immediate approach. The traffic signal operated junction has a number of signal heads including a gantry signal to allow all lane users to see the signal heads.

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**RELEVANT HISTORY**

There is no relevant planning history for this site.

A pre-application enquiry was submitted:

17/04161/PREAPP: Site B, Central Reservation at Temple Way Junction Of Temple Back Bristol. Erection of a single-sided, freestanding, portrait, digital advertisement display of approximately 8x5m (facing North).

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 central reservation on Temple Way. 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 north at a right angle to the road and the display would be visible to southbound drivers only. In addition to the main unit, a small power and data cabinet would be located immediately south of the unit in the central reservation.

The proposals also seek the repositioning of the existing northbound road signs, with the existing highway direction sign being re-sited behind the rear of the unit to enable northbound drivers to view it. A section of the steel barrier located within the central reservation would be removed to allow access to the front of the unit and the existing local southbound directional sign would be repositioned 25m to the north of its current location so as to remain visible to southbound drivers.

Service vehicles for the advertisement unit would use the central reservation out of hours following a suitable pedestrian / traffic management scheme in accordance with an agreed Method of Works Statement. The unit would need to be visited up to four times a year to clean the face of the LED modules.

The proposals would not require the relocation of any additional existing traffic infrastructure (i.e. traffic lights) which are all located south of the unit.

The permission seeks temporary express consent for five years should permission be granted.

**RESPONSE TO PUBLICITY AND CONSULTATION**

Site notices were issued and letters sent to neighbouring properties.

In total, 49 comments were made in response to the application 48 responses were in objection (with one duplicate comment).

**IN OBJECTION**

Comments were made in objection on the following grounds:

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- Distraction to drivers;
- Street clutter;
- Harm the historic character of Bristol;
- Impact on the character and appearance of the street scene;
- Impact on pedestrians crossing the road;
- Sustainability and energy consumption;
- Impact on Redcliffe Conservation Area;
- Harm to the Temple Way high end office location;
- Impact on residential amenity through light pollution;
- Risk that consent would set a precedent for other adverts in the City;
- Danger to wildlife;
- Risk to pedestrian and cyclist safety;
- Impacts on quality of life;
- Size of the unit would impact on the surrounding area;
- Located within more deprived areas; and
- Dominate views.

**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 as I believe it would lead to loss of amenity for local residents, that it is a hazard to drivers as it is a distraction. It also adds to the carbon output in a City where we are trying to become more sustainable.

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:

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- harm to local amenity of the area,
- impact on driver safety on Temple Way; 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 CONSULTEES****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.

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 least detrimental locations with regard to road safety and driver distraction within the scope of the identified corridor.

*Existing Situation*

Temple Way is a busy and active part of Bristol's primary route network, forming part of the A4044 corridor. This location is at a junction with Temple Back and Temple Back East, with limited, controlled turning movements. The junction and signal heads are on a straight approach. The layout is straightforward with limited lane changing on the immediate approach.

The traffic signal operated junction has a number of signal heads including a gantry signal to allow all lane users to see the signal heads.

No injury accidents have been recorded at this junction in the past three year period.

*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 such that it does not sit directly behind traffic signals and does not interfere with the sight lines to the signals or junctions. The structure gives adequate clearance to vehicles.

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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.

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 offices and a hotel and both sides of the

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busy Temple Way carriageway, which acts as a key transport route from Temple Meads through the City.

The site is not located within a Conservation Area however is located immediately east of the Redcliffe Conservation Area and the nearest designated heritage asset is the Grade II\* listed Temple Church and Scheduled Ancient Monument which is located some 135m to the west, which has no direct views of the site.

It is considered that the general characteristics of the locality are defined by transport infrastructure and large commercial properties including a number of office buildings which range from six to eight storeys in this location.

Given that the dominant features surrounding the site are a road corridor and commercial properties, including a number of tall office buildings, 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 Hilton Garden Inn is located opposite, given the separation distance between the hotel and the advertisement unit (approximately 40m), plus the advertisement 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.

Whilst the site is located adjacent to the edge of the Redcliffe Conservation Area, the Redcliffe Conservation Area Character Appraisal recognises that surrounding the site are a number of 'negative buildings' within the conservation area which have already eroded the special character of this edge of the conservation area. Given the presence of The Crescent Centre there would also be no views from the Graded II\* listed Temple Church to the unit.

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. During these discussions a number of site locations were considered and discounted. It was concluded that this site at Temple Way 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.

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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.

Given the application site's location in 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 this panel is located such that it does not sit directly behind traffic signals and does not interfere with the sight lines to the signals or junctions. The structure gives adequate clearance to vehicles.

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 proposals include the relocation of affected traffic signage to ensure that the advert would not obscure or hinder the ready interpretation of any traffic signs for either northbound or southbound drivers.

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 Temple Way 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 DAS House, Temple Quay and the Hilton Garden Inn Bristol and by Temple Way a significant transport route from Temple Meads through the City.

The site whilst located adjacent to the Redcliffe Conservation Area, the advertisement panel is positioned in a location where existing office buildings are assessed to have already eroded the significance of this part of the Conservation Area and the proposals are not considered to have an impact on any designated heritage assets (or their setting). 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 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

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2007, subject to the conditions outlined below and including those requested by Transport Development Management.

**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/m<sup>2</sup>, 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](mailto: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](mailto: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:

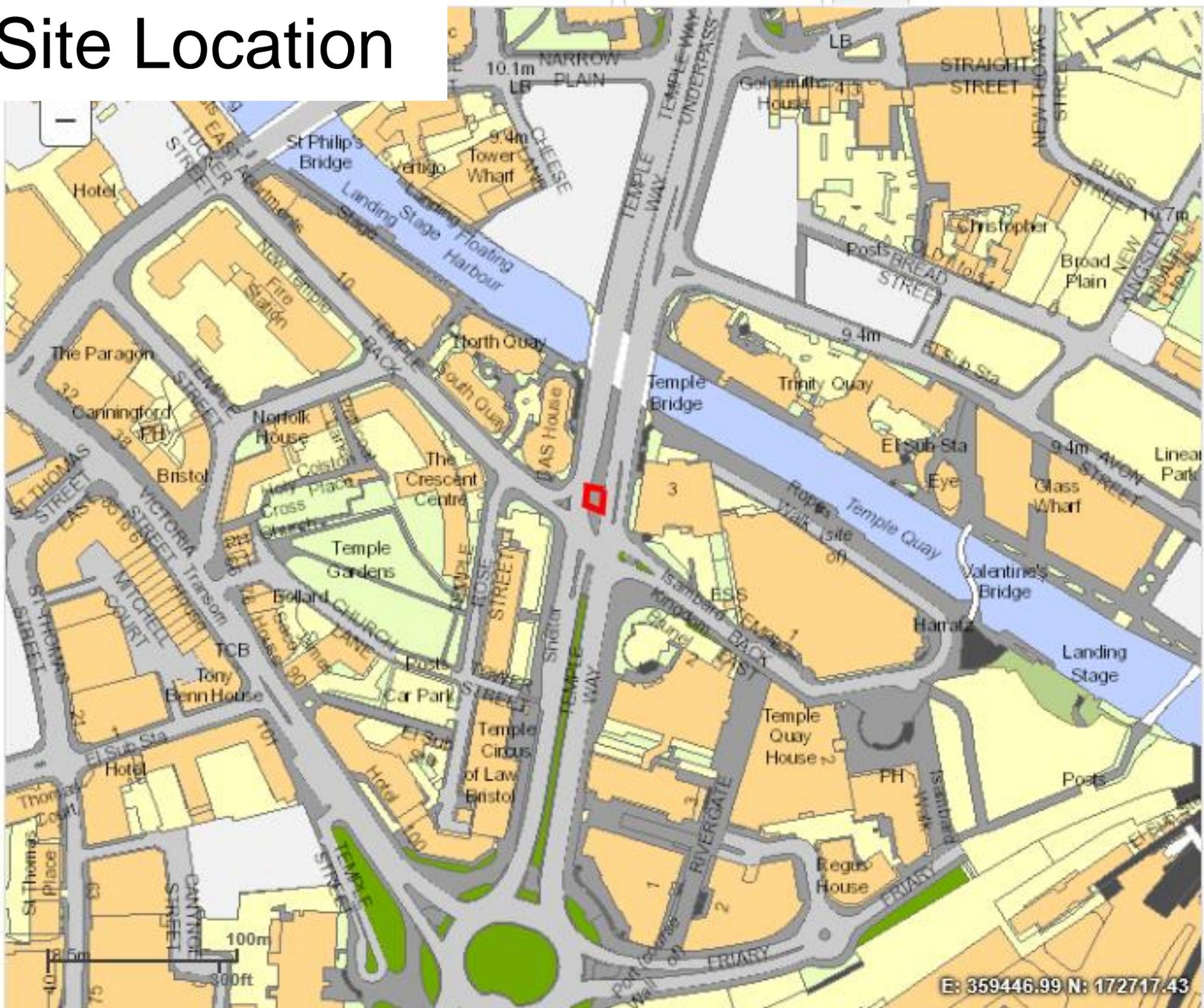
- i. Drafting the Agreement
- ii. A Monitoring Fee equivalent to 15% of the planning application fee
- iii. Approving the highway details
- iv. Inspecting the highway works

## **Supporting Documents**

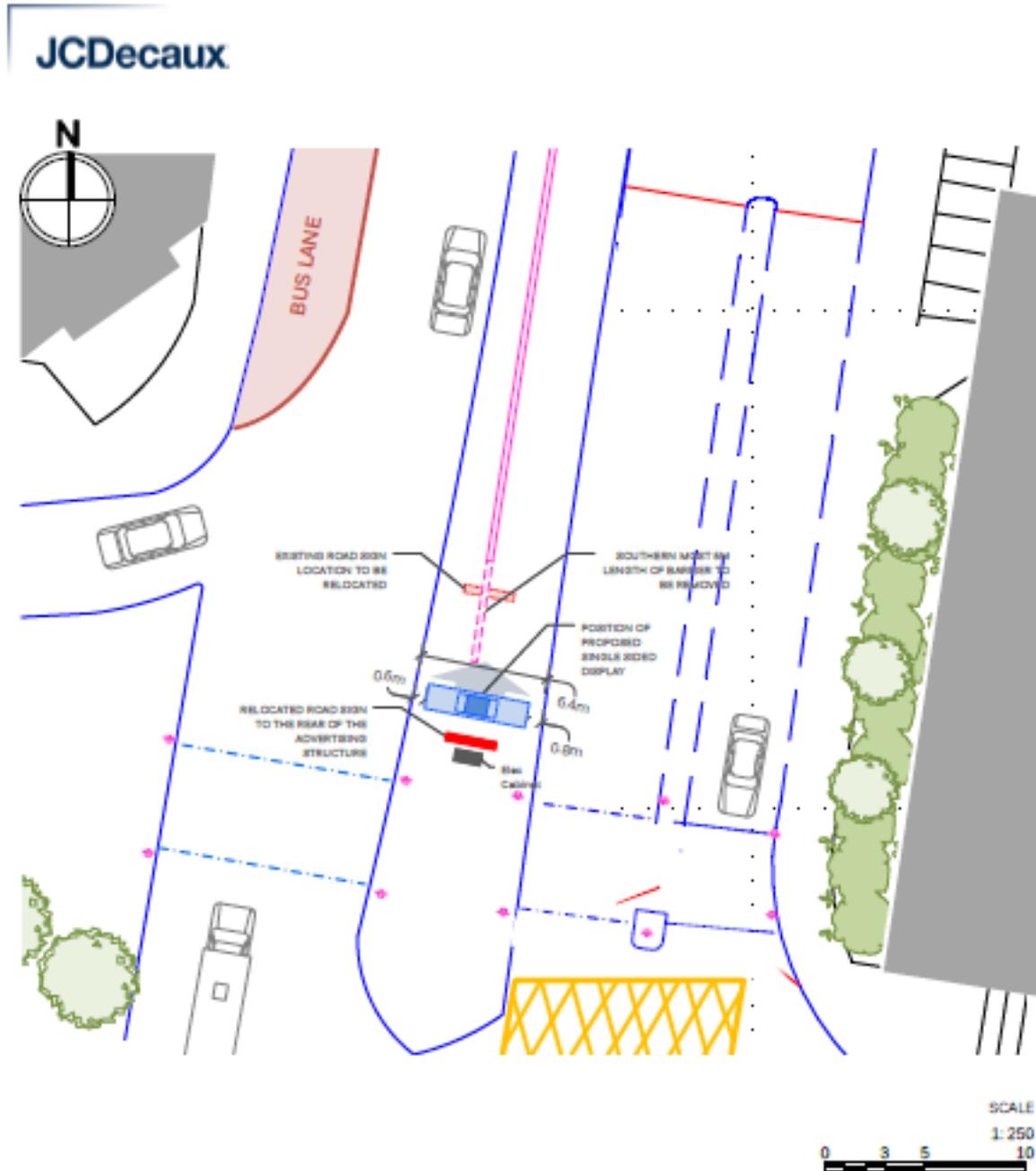
### **4. Central Reservation, Temple Way**

1. Site location
2. Proposed design
3. Proposed design
4. Photomontage images
5. Building types & conservation area

# Site Location

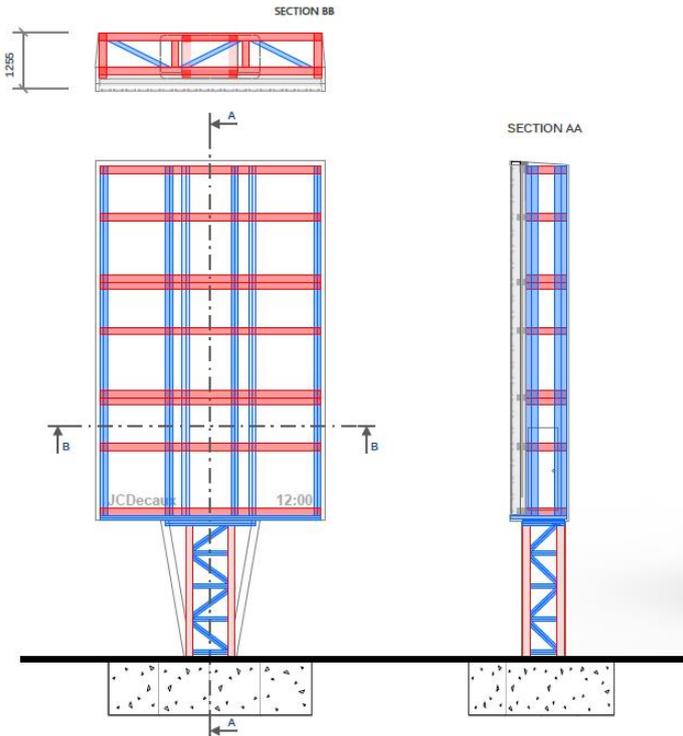


# Proposed Design



# 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

JCDecaux

Existing View



Proposed View



Southbound

## Photomontage Images Site B

Northbound



Note  
The existing directional road sign will be repositioned nearer to the junction, as illustrated left, and directly in front of the rear elevation of the advertisement.

The local road direction sign is to be relocated 25m to the north of its current position.

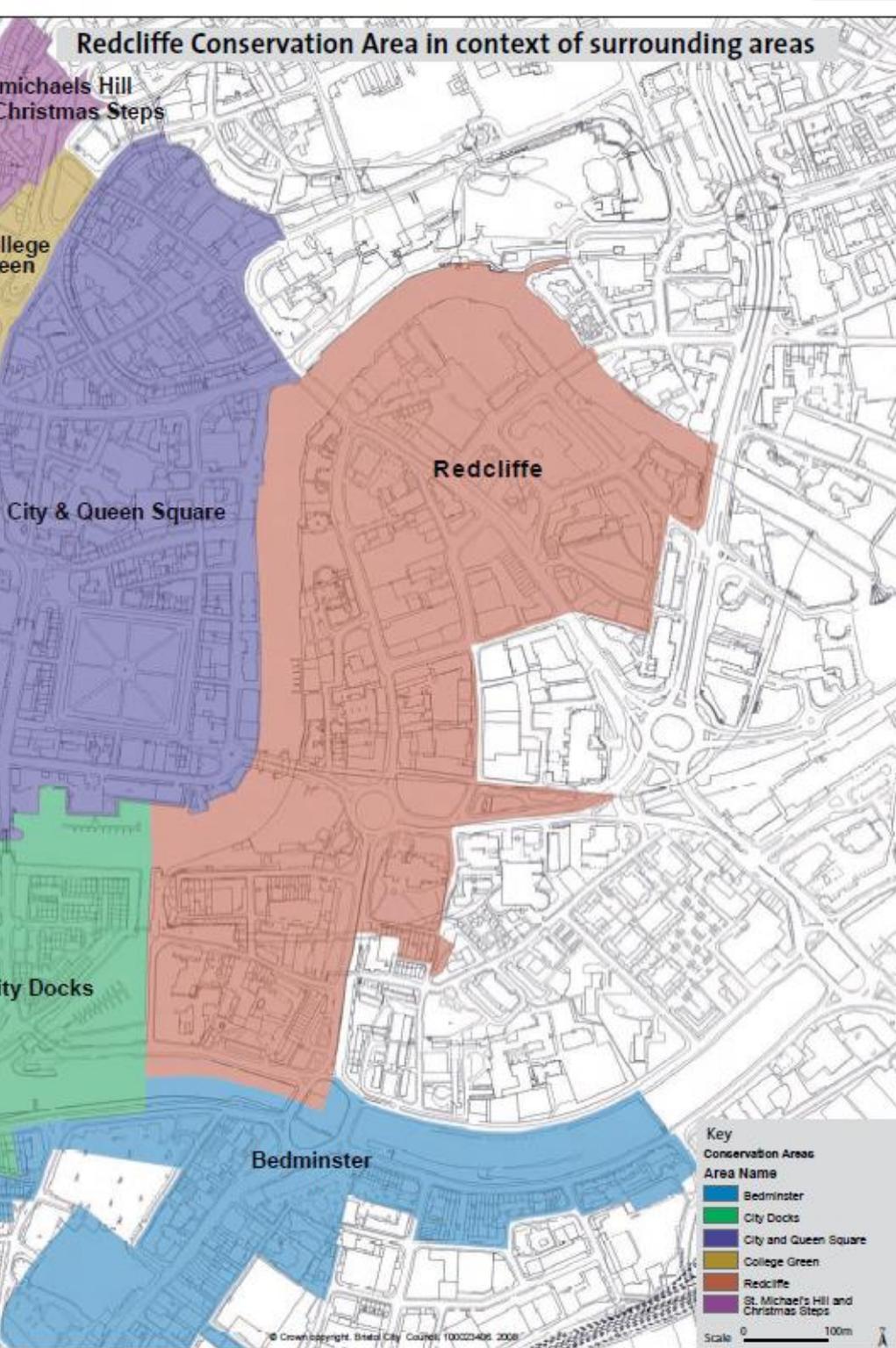


Figure 2: Redcliffe Conservation Area in context of surrounding areas

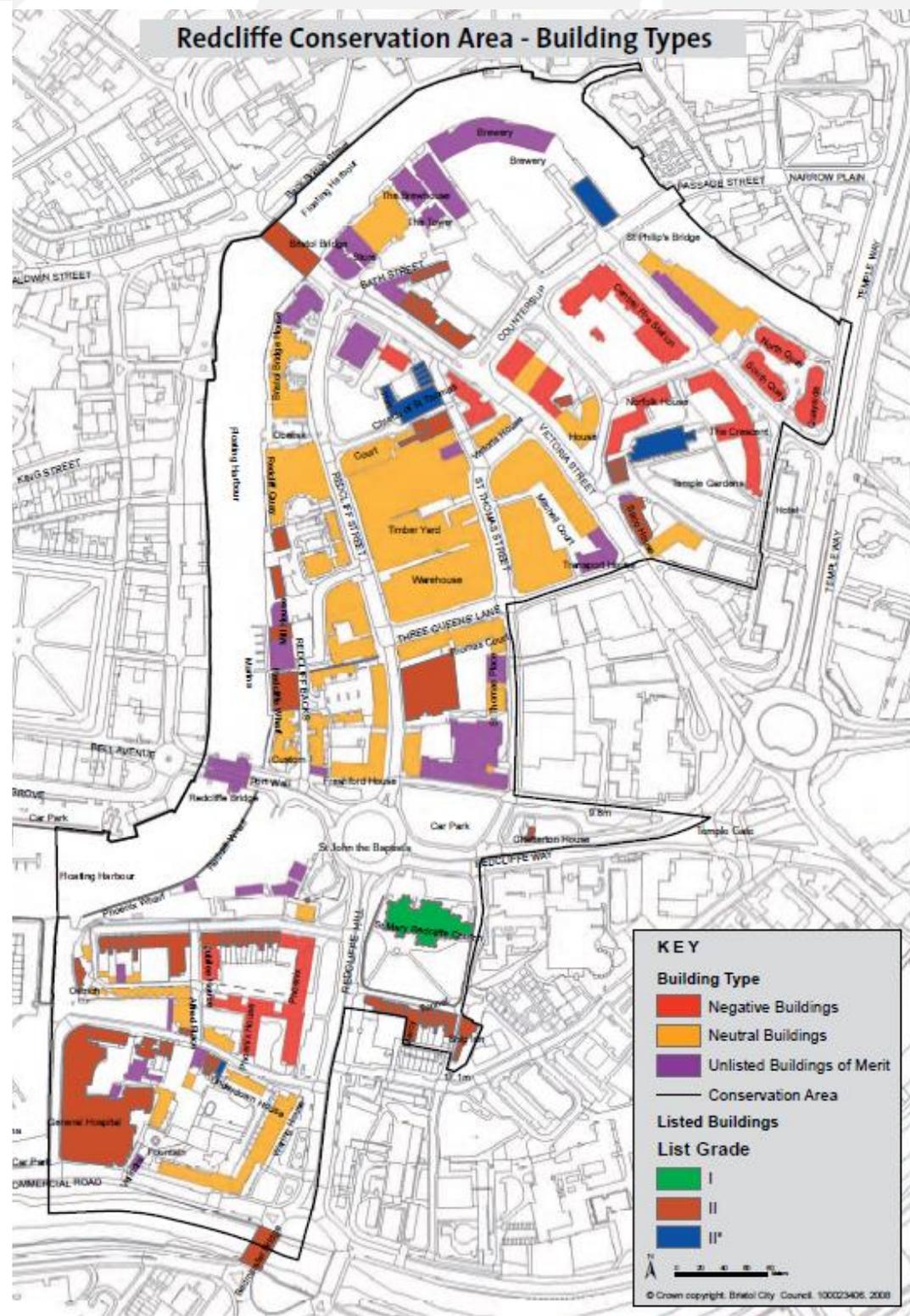


Figure 35: Redcliffe Conservation Area - Building Types