

WARD: Windmill Hill

SITE ADDRESS: Plot Of Land Fronting Former 164 - 188 Bath Road Totterdown Bristol BS4 3EF

APPLICATION NO: 19/04821/A Advertisement

DETERMINATION DEADLINE: 28 November 2019

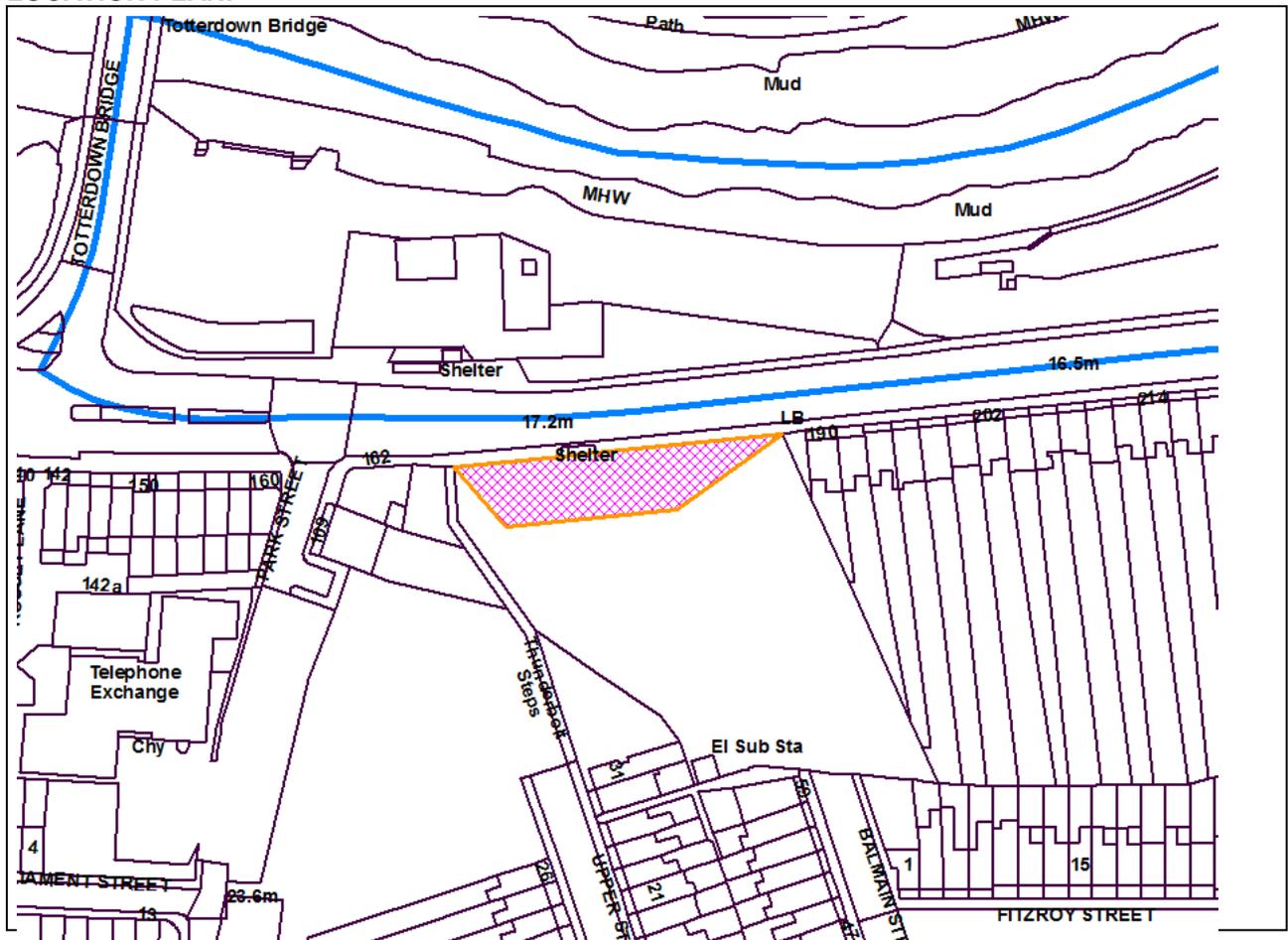
Removal of the 3no. existing hoarding advertisement signs, and installation of 2no. illuminated digital advertisements on support legs.

RECOMMENDATION: Split Decision

APPLICANT: JCDecauxUK
991 Great West Road
Brentford
TW8 9DN

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

LOCATION PLAN:



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SUMMARY

This application is being reported to Committee due to significant public interest and a split decision recommendation.

The application site is located within South East Bristol, in the ward of Windmill Hill.

Part 1, Regulation 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 on a transport corridor; outside of a Conservation Area; lack of inter-visibility with and or distance from designated heritage assets; and relationship with existing dwellings the proposed advertisements would have an acceptable impact on the amenity of the area and the local context.

In relation to public safety, the application has been considered in detail by the Council's Transport Development Management (TDM) Team. Transport Officers object to the west facing advert on grounds that the design (digital display showing static images in sequence) and siting has the potential to distract east bound road users as 1) they approach the Bath Road/Totterdown Bridge junction traffic lights where the advert would be directly behind and in the site line of the traffic lights and 2) they negotiate the point after the junction where east bound buses merge with general traffic. This distraction could result in reduced road user perception of changing traffic light signals or road users failing to notice a bus merging in front of them, with potentially severe consequences.

There is no public safety objection to the east facing advert.

Therefore, a split decision is recommended; refusal of the west facing advert on public safety grounds, and approval of the east facing advert.

SITE DESCRIPTION

The site is on Bath Road (A4). There are 3 'paper and paste' hoarding adverts at the site. The last previous known use of the site was car sales. The site is immediately adjacent to the west bound bus lane and bus stop on the approach to the traffic light controlled three arm Bath Road/ Totterdown Bridge Junction. Opposite the site is an east bound bus stop after which buses immediately merge into general traffic. There are advisory cycle lanes in both directions. Also opposite is a piece of vacant land where planning permission has recently been granted for a mixed use development comprising 152 residential flats, and 418sqm office (B1(a)) floorspace (18/04620/F). Development has not commenced. There is a sharp increase in topography at the rear of the site, atop which is a wooded area.

RELEVANT PLANNING HISTORY

17/06513/A - Removal of the three existing advertisements (2x 12mx3m displays, 1x 6mx3m display), to be replaced with two 6mx3m internally illuminated digital advertisements – granted

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16/05424/A - Removal of the three existing advertisements (2x 12mx3m displays, 1x 6mx3m display), to be replaced with two internally illuminated digital advertisements – refused (Appeal allowed)

16/05424/A was refused under delegated authority on amenity grounds; however a resulting appeal was successful. 17/06513/A proposed smaller adverts and was approved under delegated authority on 12.03.18. The two approved advertising displays are identical to those proposed by this application in terms of siting, and display panel width and height. The only difference is the design of the support legs meaning that the proposed structures are 0.5m higher than the approved.

88/01411/F - Change of use from disused petrol station to vehicle sales (retaining advertising hoarding) – granted

APPLICATION

The 3 'paper and paste' hoarding adverts would be removed. Advertising consent is sought for the erection of 2 single sided digital adverts on free standing cantilevered support legs; one facing east and one facing west. The height of the overall structures would be 6.7m above ground level. The advertising displays themselves would be 3.56m in height by 6.43m in width. The adverts would be angled at approximately 45° to the road to face oncoming traffic heading either east or west along Bath Road. The supporting document states that the adverts would display static images in sequence, changed remotely via a secure ISDN connection, and illuminated to a level consistent with the Institute of Lighting Professional's (ILP) guidance. The brightness of the displays is adjustable. However, the application forms indicates that they would be set at their lower limit; 300 cdm² (night time limit).

The Local Planning Authority are able to control the rate of image change and brightness by way of the below conditions.

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice was issued and letters sent to neighbouring properties.

In total, comments from 68 separate addresses were received in response to the application, of which 67 were in objection.

IN OBJECTION

Comments (including from Bristol Civic Society, Totterdown Residents Environmental and Social Action, and Christmas Steps Arts Quarter) were made in objection on the following grounds:

- The adverts would create dangerous conditions for road users on a very busy road with bus stops and junctions (particularly for vulnerable users – pedestrians and cyclists)
- Visual impact on local character, cityscape and historic interests (The Thunderbolt public house listed building and Thunderbolt Steps)
- Light pollution and nuisance in a residential area – particularly intrusive for future residents of the residential scheme granted permission at the site opposite (18/04620/F Former Esso Garage)
- Adverts represent a bombardment and intrusion from excessive and invasive commercial messaging that encourage consumerism
- Electricity requirements contrary to Council sustainability objectives (climate emergency)
- Elevated hillside location would mean they would be visible at night from far and wide

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- Will confuse and disturb local wildlife
- People with partial sight can become confused when approaching bright advertising boards
- Bad for Bristol's image

IN SUPPORT

Comments were made in support on the following grounds:

-Adverts will demonstrate Bristol as a digital city. The current billboards are outdated. The quality of advertising is often of higher quality. Spending helps boost our local economy. Many local companies, charities and CIC rely on the advertising.

COMMENTS FROM COUNCILLORS

Councillor Jon Wellington – Objection

This is an entirely inappropriate site for illuminated digital advertising. The site is in very close to high density residential areas including the nearby terraced housing on Bath Road, the Paintworks development, and the New Walls estate. There is also planning permission recently granted for a high density development on Bath Bridge, which is almost directly opposite this site. Illuminated billboards will in my view substantially reduce the environment through light pollution and the degradation of public areas.

Bath Road is a residential area. While it also serves the purpose of being a busy main route into and out of Bristol city centre it is the people that live there that must be prioritised. I urge officers to reject this proposal which would be damaging to the local environment and detrimental to the living conditions of local residents.

Councillor Stephen Clarke - Objection

I object to this application because it will impact on road safety on this important road with a junction nearby and because it causes an impact on the amenity of residents nearby.

Councillor Lucy Whittle – Objection

I believe illuminated adverts are a distraction for drivers and create an unpleasant environment for residents and pedestrians.

COMMENTS FROM CONSULTEES

Transport Development Management – Objection to the West facing advert

Distraction and confusion can be caused by additional cognitive demand on a drivers' attention, leading to an increased risk of accidents. Where a driver is already experiencing significant demand through challenging road layouts or other additional demands on their attention, it is important not to add any further unnecessary distraction, particularly where there are vulnerable road users present.

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West facing advert

The site is situated in the view of the traffic controlled three arm Bath Road/ Totterdown Bridge junction. The proposed digital sign is situated directly behind the signal heads when viewed from the east bound approach. It is imperative to ensure that the attention of drivers is not averted from the highway or from traffic signals.

Buses merge with the general traffic after the bus stop as they depart from the junction heading east; the impacts of a driver being distracted and not noticing a bus merging in front of them could be severe.

East facing advert

The advert is located such that it does not sit directly behind traffic signals and does not interfere with the sight lines to the signals or junction. There is a straight approach to the advert and a driver would have sufficient time to process the advert. The proposal would not be considered to cause a significant distraction to the detriment of highway safety subject to conditions to ensure that the advert does not change too frequently or exceed the permitted luminance level.

Policy Background and Planning Practice Guidance

Policy BCS10 of the Bristol Core Strategy states that developments should be designed and located to ensure the provision of safe streets. Policy DM23 of the Site Allocations and Development Management Policies outlines that development should not give rise to unacceptable traffic conditions.

National Planning Practice Guidance (NPPG) outlines that advertisements must not create a road safety danger, by virtue of its siting or nature. Advertisements at points where drivers need to take more care are more likely to affect public safety. The local conditions described above (traffic light controlled three arm Bath Road/ Totterdown Bridge Junction and buses merging) means that this is an area where drivers need to take more care.

The NPPG list of advert types which may cause danger to road users include the following two categories:

Those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature; and

Those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode (LED) technology:

- i. where the means of illumination is directly visible from any part of the road;
- ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;
- iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or
- iv. which are subject to frequent changes of the display

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It is considered that the west facing sign falls into these categories because of its LED sequentially changing display, siting behind the traffic lights, and close proximity to an area where buses merge into general traffic.

Existing Situation

The existing 'paper and paste' adverts that would be removed are not illuminated and by design can only show one image before having to be manually replaced. Therefore, the proposed adverts represent a material change to the public safety implications of the adverts at this site.

Previous Applications

Applications for digital adverts in Bristol have been refused on highway safety grounds and the decisions upheld by Planning Inspectors, in recognition that sequentially changing digital advertising is more likely to draw attention than the 'paper and paste' adverts that they would replace. For example, Feeder Road where a recent proposal for the replacement of a 'paper and paste' advert with a digital advert behind traffic lights was refused on public safety grounds, and dismissed at appeal.

However, whilst sites have similarities in terms of highways conditions, each digital advert application is assessed on its own merits with regard to site specific circumstances.

Pollution Control – No objection subject to condition

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.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval / refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

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KEY ISSUES

Part 1, Regulation 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.

A) IS THE PROPOSAL ACCEPTABLE IN TERMS OF VISUAL 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.

Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. Policy BCS21 of the Bristol Core Strategy states that new development in Bristol should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

The site has been host to hoarding adverts since at least the 1980's and there have been other adverts at the site associated with its previous uses; first as a petrol station before providing vehicle sales. Therefore, purely in scale terms, the proposed adverts would not appear unusual in this location. There would be a reduction in the number of adverts at the site (from 3 to 2) and although the support legs would mean that the proposed adverts would be higher from ground level, the display panels themselves would be considerably smaller. However, the digital led illuminated sequentially changing display requires assessment in terms of amenity.

The application site is situated on a busy transport corridor. To the north is vacant brownfield land with a section of the River Avon, and St Philip's Marsh Principal Industrial and Warehousing beyond; none of which have been designated by reason of a visual amenity sensitivity. The site is not located within a Conservation Area. There would be no impact on the setting of Arno's Vale Conservation Area, and Arno's Vale Cemetery Registered Park and Garden and associated listed buildings because of the intervening topography and the alignment of Bath Road which prevent inter-visibility.

The setting of The Thunderbolt Public House (Grade II listed) would include the proposed east facing advert when approached from the east on Bath Road. However, the Public House is 140m from the site; views of it from the east are at an acute angle; and the existing setting is characterised by constant traffic noise and an unsympathetic use, in the car wash, next to it. Therefore, it is not considered that the east facing advert would result in any material harm to the setting. Officers have undertaken the assessment required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. They have given the potential for harm considerable importance and weight in reaching this conclusion.

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B) IS THE PROPOSAL ACCEPTABLE IN TERMS OF RESIDENTIAL AMENITY?

Policy BCS21 of the Bristol Core Strategy states that new development in Bristol should safeguard the amenity of existing development and create a high-quality environment for future occupiers.

The Council's Pollution Control Team has assessed the proposal and do not object on grounds that the positioning and orientation of the proposed digital advertising, and the illuminance levels given in the application, are acceptable. However, the below obtrusive light limitation condition is considered necessary and reasonable in order to ensure an acceptable impact. Pollution Control is aware of the approved residential development opposite the site (18/04620/F).

Therefore, light omitted by the adverts is not considered to be harmful to existing and proposed residential amenity to the north, east and west of the site. The approved residential development opposite the site (18/04620/F) has not commenced.

Given the above assessment Officers have concluded that the proposed advertisements would not cause any unacceptable harm to amenity (visual or residential) as set out by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

It is also noted that there is permission (17/06513/A) already in place for two digital adverts with the same siting and panel size as proposed by this application.

C) IS THE PROPOSAL ACCEPTABLE IN TERMS OF PUBLIC (HIGHWAYS) 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.

Transport Development Management (TDM) has assessed the application and concluded that the proposed west facing sign would be sited close to, and within site line of, two points where road users need to take more care. The first being the east bound approach to the Totterdown Bridge/Bath Road junction traffic lights where the view of the advert is directly behind the signal heads, and the second being the area after the junction where east bound buses merge with general traffic meaning road users could be distracted by the advert at the same that busses are pulling out in front of them. It is considered that the LED illumination and sequentially changing digital display has the potential to distract and confuse road users in relation to their perception of the traffic light signals and bus movements at points that already place additional demands on their attention. Subsequently, it is considered the west facing advert would be prejudicial to public safety.

There are no objections to the east facing advert due to the differing context of the siting. The Local Planning Authority are able to control the rate of image change and brightness by way of the below conditions.

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Based on the above conclusions, Officers have concluded that the proposed west facing advert would have an unacceptable impact on public safety as set out by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the NPPG, and local policy.

CONCLUSION

A split decision is recommended.

It is considered that both of the proposed advertisements would not cause any unacceptable harm to amenity. It is considered that the proposed east facing advert would have an acceptable impact on public safety. However, the proposed west facing advert is considered prejudicial to road safety and therefore should be refused in the interests of public safety.

Therefore, Officers recommend a split decision; the approval of the east facing advert subject to the below conditions, and the refusal of the west facing advert.

RECOMMENDED Split Decision

East facing sign as shown on the proposed site block plan ref. A01402/02.

Permission is granted subject to the following condition(s)

Post occupation management

1. Standard Advertisement time condition

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.

2. Digital 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.

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.

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.

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.

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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.
6. The advertisement must have static images only for the lifetime of the development. No moving or apparently moving images, strobe or flashing lighting effects are permitted.
7. The advertisement must not contain any images which may be interpreted as road signs or emit sound, smoke or odours.
8. The advertisement must not change its image more than once in any ten second period for the lifetime of the development. No interactive messages or messaging sequences are to be displayed.
9. The proposed change in image method for the advertisement must use a fade/dissolve process and shall not give the appearance of movement for the lifetime of the development. Any sequential change between advertisements will take place over a period no greater than one second.
10. 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 advertisement will go to a blank (dark) screen should it malfunction.
11. The luminance level of the advertisement must not exceed 300cd/m² for the lifetime of the development. No part of the source of the illumination shall at any time be directly visible to users of the adjacent adopted highway.
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.
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.
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.

Reason: These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and to avoid undue distraction to motorists.

3. Artificial Lighting

Any light created by reason of the development shall meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.

Reason: In the interests of residential amenity.

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West facing sign as shown on the proposed site block plan ref. A01402/02.

Permission is refused

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

1. The proposed west facing digital advertisement (as shown on the proposed site block plan ref. A01402/02), by reason of its location and nature, has the potential to distract road users and to cause drivers to lose concentration and come into conflict with other vehicles, pedestrians and cyclists. The proposed digital advertisement's potential for conflict with the safe operation of the public highway network is therefore contrary to the NPPF; policy BCS10 of the Core Strategy (June 2011), policy DM23 of the Site Allocations and Development Management Policies (July 2014), and guidance on advertisements contained within Planning Practice Guidance (PPG).

List of plans and drawings

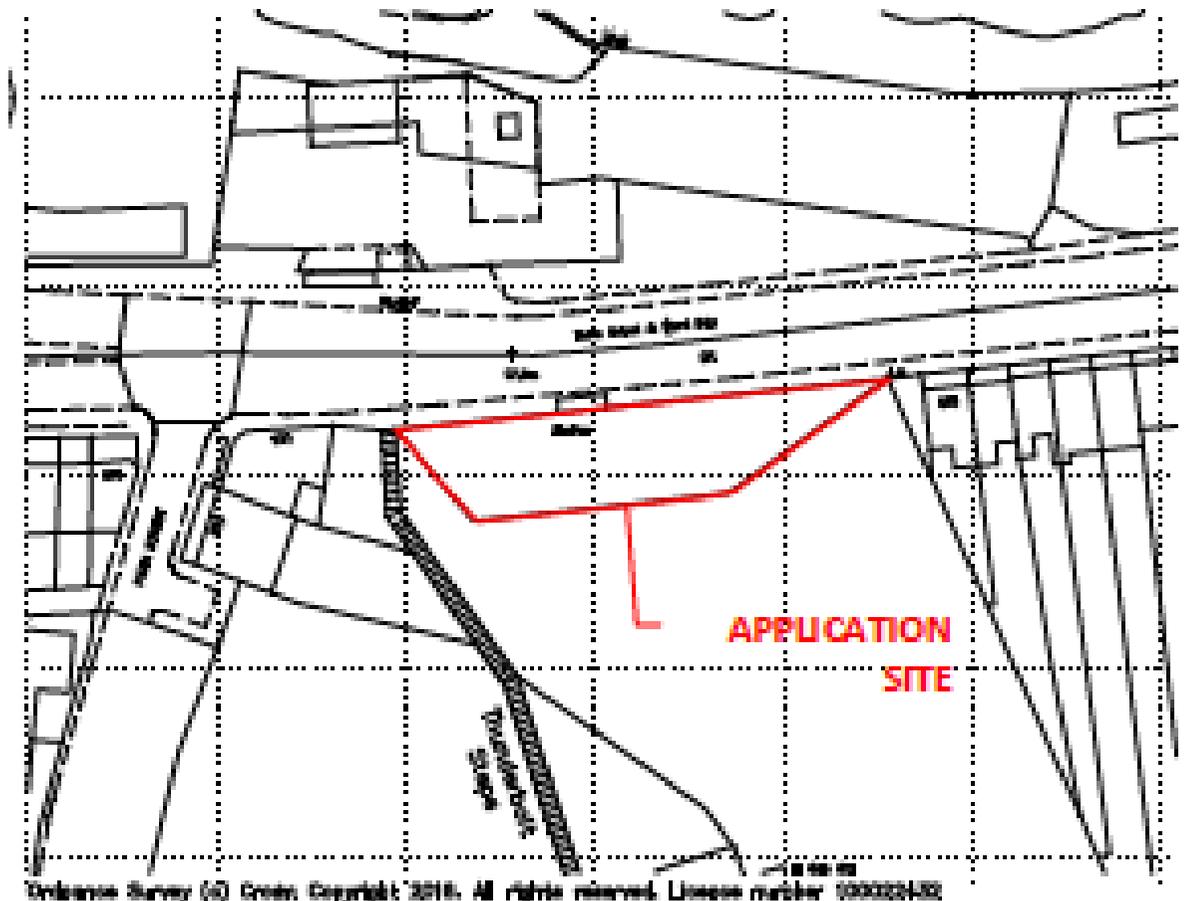
The following plans and drawings were considered as part of the above application:

A01402/08 Structure detail, received 3 October 2019
A01402/01 Site location plan, received 3 October 2019
A01402/02 Site block plan, received 3 October 2019
A01402/07 Sign elevation and dimensions, received 3 October 2019
A01402/09 Screen specifications, received 3 October 2019
A01402/06 Display panel, received 3 October 2019

Supporting Documents

- 1. Plot of Land Fronting Former 164 - 188 Bath Road, Totterdown**
 1. Site location plan
 2. Proposed block plan
 3. Proposed elevations

Location plan

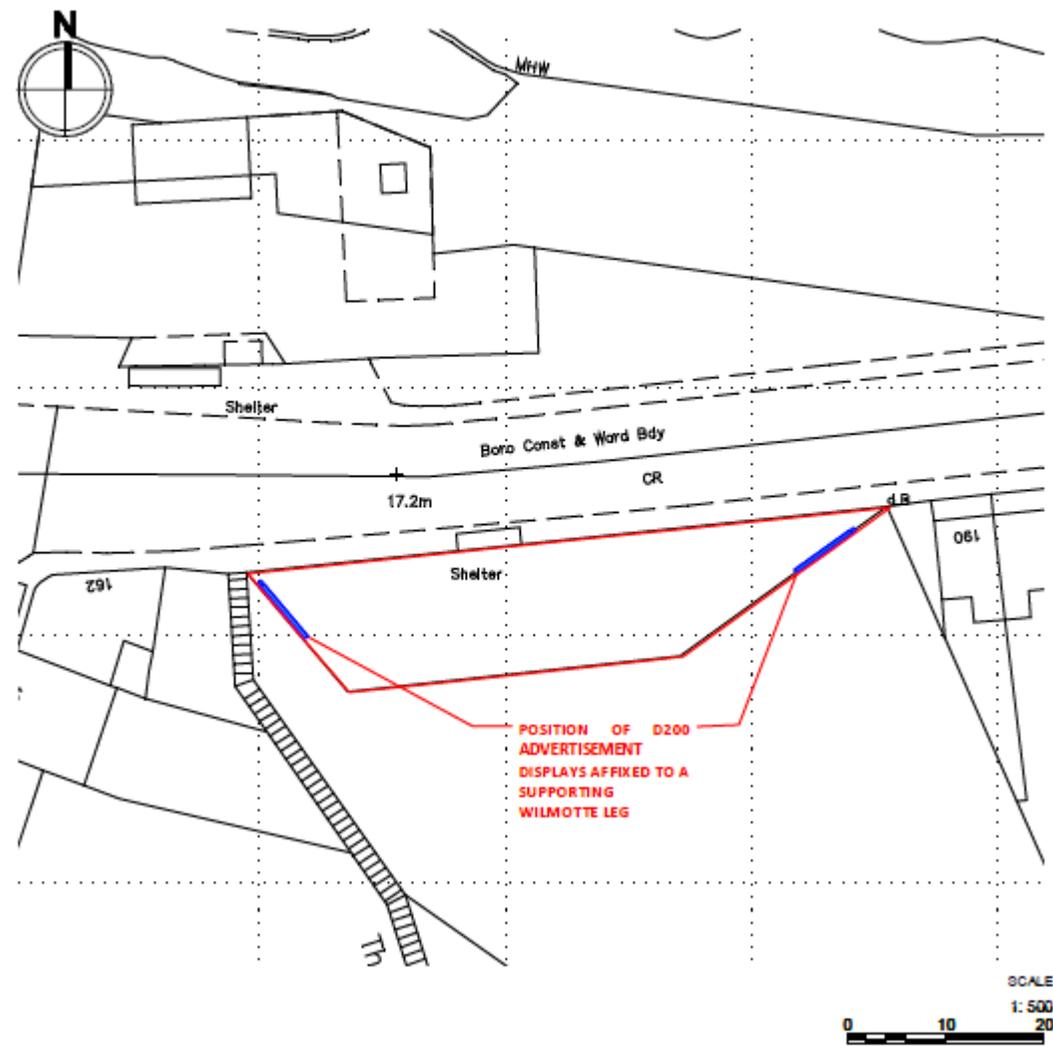


THE APPLICATION SITE

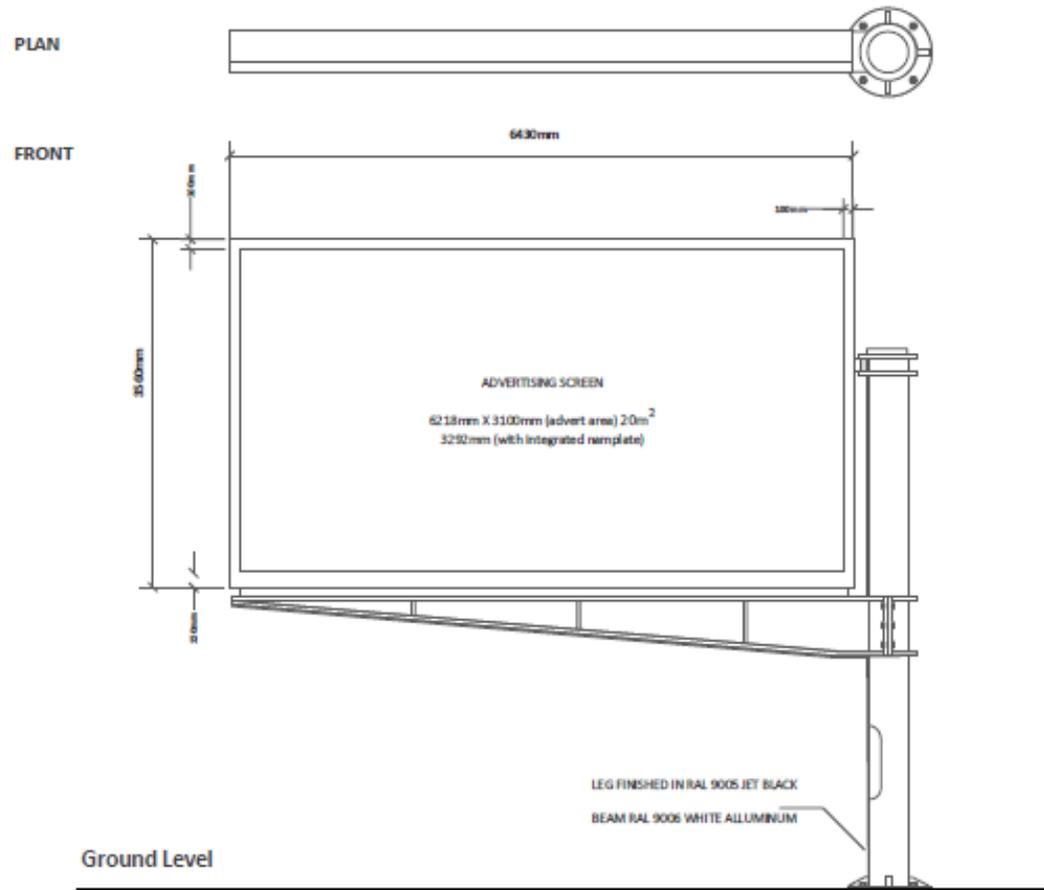


Proposed block plan

JCDecaux

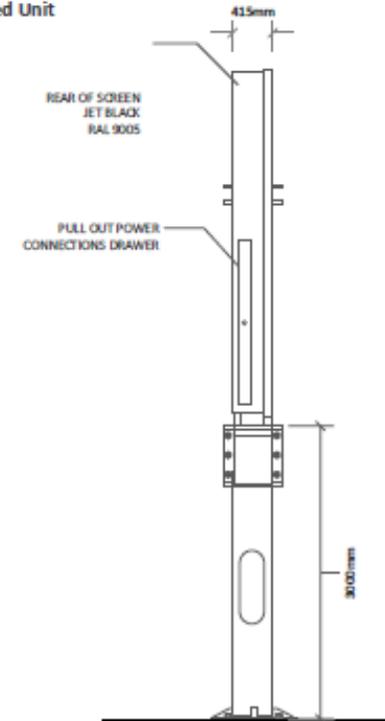


Proposed elevations



Single Leg Design

SIDE
Single Sided Unit



SCALE