



Appeal Decisions

Site visit made on 28 February 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal A Ref: APP/Z0116/W/24/3356651

Outside Cabot Circus Car Park, Newfoundland Street, Bristol BS2 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Bristol City Council.
 - The application Ref is 24/03082/F.
 - The development proposed is installation of “Pulse Smart Hub” with integrated digital screens.
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Appeal B Ref: APP/Z0116/H/24/3356653

Land outside Cabot Circus Car Park, Newfoundland Street, Bristol BS2 9AB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Bristol City Council.
 - The application Ref is 24/03083/A.
 - The advertisement proposed is 2x (back to back) digital LED displays.
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Appeal C Ref: APP/Z0116/W/24/3356654

Land outside Cabot Circus Car Park, Newfoundland Circus, Bristol BS2 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Bristol City Council.
 - The application Ref is 24/03084/F.
 - The development proposed is installation of “Pulse Smart Hub” with integrated digital screens.
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Appeal D Ref: APP/Z0116/H/24/3356655

Land outside Cabot Circus Car Park, Newfoundland Circus, Bristol BS2 9AB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Bristol City Council.
 - The application Ref is 24/03085/A.
 - The advertisement proposed is 2x (back to back) digital LED displays.
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Decision

Appeals A, B, C and D

1. The appeals are dismissed.

Preliminary Matters

2. The four appeals (A – D), each relate to sites outside of Cabot Circus Car Park. Appeals A and B relate to the same site with Appeals C and D relating to a different

single site. The proposals in each case are similar in nature. Each proposal has been considered on its own individual merits, but in the interests of conciseness and given the issues raised are similar, I have issued a single decision letter.

3. The appeal sites sit outside but adjacent to the Portland and Brunswick Square Conservation Area (PBSCA). As such, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the setting, character or appearance of the conservation area.

Main Issues

4. The main issues for these appeals are the effect of the proposals on public safety and visual amenity including whether they would preserve or enhance the setting, character or appearance of the PBSCA.

Reasons

Appeals A and B

5. The appeal site is located on a section of public pavement to the north of Cabot Circus car park near to the junction of New Foundland Circus and Dale Street. New Foundland Circus, the A4032 highway, is a primary vehicle route into the City of Bristol with large volumes of traffic using this road. The proposals would lie directly south of the PBSCA. The area surrounding the appeal site is characterised by a range of modern and traditional buildings including commercial properties as well as a mix of street paraphernalia such as street lighting, road signs and traffic lights.
6. The existing street furniture in the locality is typical of an urban area and it is noted that there are minimal advertisements at street level in the near vicinity. Due to the form, size and design of the proposal, they would appear intrusive within the surrounding area and detract from the character of this urban locality. The ambient noise and light levels of the proposal have been described as being within the latest standards and current best practice, however, an illuminated structure in the form that is proposed, would not be in keeping with the appearance of the street scene nor would it preserve the setting of the PBSCA.
7. The position of the proposals within the footway, as well as the proposed width of the structure, creates a large obstruction that would impede the free flow of pedestrian traffic in this location. Having an illuminated structure displaying advertisements, whilst statically displayed, in close proximity to a heavily trafficked highway, in the form that is proposed at ground level height, would have the potential to create visual confusion that could lead to motorists being distracted and thus posing a threat to other road users and pedestrians.

Appeals C and D

8. The appeal site is located on a section of public highway to the west of Cabot Circus car park and directly east of Bond Street South. Bond Street South, the A4044 highway, is a heavily trafficked road with junctions in close proximity to the appeal site. There is a mix of modern and traditional buildings in the near vicinity with the boundary of the PBSCA located to the north. The surrounding area has typical urban street furniture including traffic lights, road signs, trees and street lighting.

9. There are minimal structures or advertisements at street level in the near vicinity, and the proposals would appear out of place with the existing street paraphernalia. The proposals would be large, incongruous structures that would have an awkward design creating a dominating and cluttering presence in the locality. The ambient noise and light levels of the proposal would be within current best practice standards, nevertheless, an illuminated structure would be a discordant feature, compromising the character and appearance of the area, and the setting of the PBSCA.
10. There are existing structures in the footway near to the appeal site, including trees, bicycle racks and street poles. The proposals, given their size, design, position, illumination and orientation would be an obstacle to pedestrians within the footway, and would also be a distraction to motorists of the nearby road. The proposals would be a unique and domineering feature that could create visual confusion leading to road users becoming distracted and therefore compromising highway safety in the immediate area.

Other Matters

11. The proposals would bring some public benefits in supporting a new generation of smart infrastructure and providing world-class connectivity and smarter streets. These public benefits include features such as free phone calls, Wi-Fi and device charging facilities, Public Access Defibrillator, Nasol Naloxone opiate antagonists, 999 call function, emergency call button and service protocols, built-in CCTV, public and emergency messaging, public interface, local maps and wayfinding, air quality monitoring and footfall counting facility. Given the type of services the proposals would provide and the location of the appeal sites, I attribute moderate weight to these benefits.
12. My attention has been drawn to a number of appeal decisions within the Bristol area. However, I do not consider these decisions to be directly comparable to the schemes subject of these appeals, particularly with regards to specific locality and type of development. In any case, I have determined these appeals on their own merits. I have also had regard to the appellants statement of cases which include reference to high court decisions. These decisions do not alter my findings on the main issues.
13. Information has been provided with regards to a grade II listed building known as The Phoenix Public House at 11-15 Wellington Road. From the information before me, it does not appear that the proposals are in close proximity to this listed building and therefore this heritage asset would not be adversely compromised.

Conclusions

14. In all the above cases, I conclude that the proposals would have a harmful effect on the amenity of the area, the setting of the PBSCA and on public safety. The proposals are therefore in conflict with Policy BCAP30 of the Bristol Central Area Plan, Policies BCS10 and BCS21 of the Bristol Development Framework Core Strategy, and Policies DM23, DM26, DM27 and DM28 of the Bristol City Council Site Allocations and Development Management Policies Local Plan, which seeks proposals to be designed and located to ensure provision of safe streets, deliver high quality urban design, not give rise to unacceptable traffic conditions, contribute towards local character and distinctiveness, and create or contribute to safe and high quality public realms, and not harm accessibility of pedestrian routes.

15. I have found that the proposals would bring public benefits. However, these matters would not outweigh the substantial harm I have identified regarding the effect on public safety, visual amenity and the setting of the PBSCA.
16. The proposals would conflict with the development plans as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweighs this finding.
17. For the reasons given above, I conclude that the appeals should be dismissed.

Chris Baxter

INSPECTOR