



Appeal Decision

Site visit made on 8 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/Z0116/Z/25/3364545

Advertising 044801 and 044802 Opposite Zebra Crossing, Eastgate Road, Bristol, BS5 6XX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent to display an advertisement.
 - The appeal is made by Wildstone Estates Limited against the decision of Bristol City Council.
 - The application Ref is 25/10065/A.
 - The advertisement proposed is replacement of 1 no. paper and paste display with 1 no. digital advertising display (D-Poster) and the removal of the other existing display.
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Decision

1. The appeal is allowed, and express consent is granted for replacement of 1 no. paper and paste display with 1 no. digital advertising display (D-Poster) and the removal of the other existing display at Advertising 044801 and 044802 Opposite Zebra Crossing, Eastgate Road, Bristol, BS5 6XX in accordance with the terms of the application ref: 25/10065/A. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 6) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent;
 - 7) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/sqm in accordance with the recommended maximum nighttime luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/sqm;
 - 8) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/sqm;
 - 9) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use;

- 10) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs;
- 11) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

Procedural Matters

2. I have utilised the address for the site as per the Council's decision notice as I find, notwithstanding the submitted plans confirming the location of the proposal, that it more concisely defines the location/address of the proposal than that stated within the original application form.

Main Issues

3. The main issues are the impact of the proposal upon i) the character and appearance of the street scene, surrounding area and the character of the Important Open Space and ii) highway safety with regard to pedestrian safety.

Reasons

Character and appearance and Important Open Space

4. The appeal site is located on the northern side of Eastgate Road where there are currently two existing stand-alone poster displays which face onto Eastgate Road itself as well as a footpath and a zebra crossing. At the time of my site visit I found that the site's wider surroundings are predominantly commercial and retail with the appeal site itself being located in an area identified as an Important Open Space (IOS) as well as being marked as a wildlife corridor.
5. Whilst there does not appear to be any recent applications, or planning permission, for advertisement consent it is noted by both parties that the site currently supports two paper and paste displays which have been on site for at least 15 years. The appellant sets out that the existing advertisements would benefit from deemed consent by virtue of having been in situ for a period of 10 years without enforcement or discontinuance action being brought against them. This results, therefore, in the display of advertisements being allowed without express consent where a site has been used continually for the preceding ten years – the existing advertisements are thus deemed to have consent and are immune from enforcement action. The Council do not disagree with this position, and I have no evidence before me to conclude otherwise.
6. The appeal site is located within a predominantly commercial and retail area, and I noted, at the time of my site visit, that business related signage and other advertisement displays are commonplace and part of the character of the immediate locality as well as part of the general street scene. Such proposals would not, therefore, be uncharacteristic and would also be replacing existing advertisements as discussed. In addition, I also found that the area is well lit as a result of street lighting, as well as traffic lights and general activity in the area. I find that this would further contribute to the suitability of advertisements being appropriately illuminated, subject to conditions, in this location.
7. The proposal before me would result in the removal of both of existing advertisements and their replacement with one display. In the event this appeal

failed I have no evidence before me to suggest that the existing poster advertisements, which are immune from enforcement, would be removed. They are, therefore, a relevant consideration and existing feature of the appeal site to which I give significant weight in terms of the existing position and its impact. In addition, whilst the existing displays are paper and paste, I note, from the evidence before me, that the displays also used to be externally illuminated at varying points during their lifetime.

8. The proposal would measure in the region of 3 metres by 6 metres and be positioned in the region of 1.9 metres above ground level holding light sensors backed by a light table to enable brightness adjustment through the day. The unit would show static images to be changed every 10 seconds and face west enabling visibility to east bound drivers on Eastgate Road. The proposal would be internally illuminated and be sited in the region of 0.5 metres higher compared to the existing advertisements. Whilst the appeal site is designated as an IOS I do not find that the introduction of a single digital poster, in lieu of the existing advertisements on site as outlined, illuminated would result in negative impact which would be sufficient to warrant refusal.
9. The existing green open space, and extensive tree cover, is noted to overall soften the predominantly commercial/retail landscape and I acknowledge its positive contribution to the visual amenity of the area. I also acknowledge that the site is identified as a wildlife corridor with the intended retention of this green space in the future. Whilst the proposal would be highly visible within its immediate surroundings, I find that given the context of the site as a commercial and retail area where advertisements of this nature are characteristic, the proposal would be appropriate. I do not find that the proposal would negatively impact the existing view of the green open area or the designated IOS nor that it would result in harm to the visual amenity of the existing green and open character.
10. The quality of the images within the proposal, as evidenced by the appellant, would mimic that of a traditional poster with the screen being able to adjust according to changes in ambient light to ensure that brightness decreases in low light conditions with only static images being displayed on rotation. Changeover between adverts would take place instantly with no sequencing, fading, swiping or merging of images which would further contribute to the suitability of the proposal compared to, for example, the existing poster advertisements already on site as acknowledged and discussed above. Such matters can be appropriately controlled by condition in addition to the standard conditions for proposals of this nature.
11. In relation to the IOS designation, albeit the proposal would be in the region of 0.5 metres higher and illuminated, I place significant weight in this case upon the fact that the proposal would ultimately reduce advertisement space, overall, compared to the existing two poster advertisements on site. The proposal would, ultimately, consolidate the number of displays on site which I find would result in a positive impact to residential amenity and appreciation for the immediate green space within which it would be located in lieu of the existing advertisements. I do not find that the proposal would be more prominent than the existing arrangement nor that its visibility, comparatively, would be sufficient to warrant refusal.
12. I find that the proposed advertisement, by virtue of its size, illuminated nature and overall design, siting and appearance would be an appropriate form of advertising, consolidating the existing advertisements on site, which would be appropriate for

the character and appearance of the street scene and surrounding area and would not harm the character of the IOS. The proposal would not result in an unacceptable impact on visual amenity and would be consistent with the requirements of Bristol City Council Core Strategy 2011 (CS) Policy BCS9 which requires the integrity and connectivity of the strategic green infrastructure network to be maintained as well as protecting open spaces which are important for visual amenity and CS Policy BCS21 which seeks to deliver high quality urban design which contributes positively to an areas character.

13. The proposal would also be consistent with Site Allocations and Development Management Policies Local Plan 2014 (LP) Policy DM17 which restricts development on IOS unless the development is ancillary to the open space use, LP Policy DM26 which requires proposals to contribute to local character and LP Policy DM 29 which states that external signage should adopt a scale, detail and siting appropriate to the character of the wider street scene.

Highway safety

14. It is an accepted fact that advertisements are, by their nature, intended to attract attention and it is therefore acknowledged that they should be located in situations where demands on a driver are low and they do not conflict or cause confusion with other signs or traffic signals in the interests of highway safety. The proposal would be located on a relatively straight stretch of road which is coupled with a 20 mile and hour speed limit. In addition, as outlined above, in the context of the first main issue, there are already two advertisements in this location which would ultimately reduce the level of advertising at any one time compared to the existing scenario.
15. The appellant has submitted a Highways Technical Note (HTN) and whilst I take into account comments made by the Transport Development Management (TDM team), and those of objectors, in relation to public safety on the highway I do not find, based upon the evidence before me and the points progressed by the appellant within the HTN, that the location of the proposed advertisement is one which could be said to be particularly dangerous for drivers approaching Eastgate Road where the advertisement would directly face the approaching traffic. The accident records for the locality show no concerns and there is no evidence to suggest the proposal would have serious implications for drivers and the safety of pedestrians and cyclists using the highway and the Zebra Crossing given the existing site context and advertisements.
16. The proposed advertisement would be simple and would not contain moving images nor transition between messages other than with a rapid fade to avoid flashing and limiting eye dwell time. The brightness of the display is able to be controlled to a level which is appropriate according to light levels. Given the characteristics of the road I found, at the time of my site visit that combined with a 20mph speed limit that users of the road would have more than sufficient time to assimilate the presence of the sign on the approach to the Zebra Crossing without posing a risk to highway safety. Based upon the evidence before me, and my site visit, I cannot conclude that the proposal would result in undue risk to highway or pedestrian safety as a result of significant driver distraction.
17. The proposal can be conditioned to be within the limits of the categorisations set out within the newly published Institute of Lighting Professionals Guide PLG05/23 for Environmental Zone 4 (EZ4). The appeal site is located, as outlined above in

the context of the first main issue, within a well-lit urban area characterised by commercial and retail uses where advertisements could typically be expected to be found of the nature that is before me. Furthermore, visually, the digital advertisements have been demonstrated by the appellant to be appropriate in terms of luminance at varying times of day and akin to paper-based boards. Whilst the appeal site is located close to the approach of an existing pedestrian priority Zebra Crossing, I do not find that the proposal has potential to cause conflict through distraction nor cause detrimental impact on the safe operation of Bristol's highway network in this location by virtue of its location, height, illuminated nature and changing imagery – subject to conditions.

18. The proposal would be consistent with CS Policy BCS10 which sets out a priority for pedestrians above other road users and LP Policy DM23 which seeks to ensure that development does not give rise to unacceptable traffic conditions and provides safe and adequate access for all sections of the community. The proposal would also be consistent with paragraph 116 of the National Planning Policy Framework 2024 insofar as development should only be prevented or refused on highway grounds if there would be unacceptable impact on highways safety, or the residual cumulative impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios.

Other Matters

19. I note that there are a significant number of objections to this proposal. I have dealt with matters relating to character and appearance, impact upon the IOS and visual amenity in the context of the first main issue and those relating to highway safety in the context of the second main issue above. Ultimately, for the reasons outlined above in the context of the main issues, I acknowledge the site as IOS, however, the site is in an urban location in a retail and commercial setting, which is lit with street lighting and the proposal would replace two existing advertisements and consolidate the site with one digital advertisement which can be appropriately controlled in terms of movement, flashing and general impact upon which the majority of concerns are raised in the context of distraction to drivers.
20. I note objections have been made in terms of waste of energy and impact upon the climate, however, whilst the concerns are acknowledged as having been raised, they are not material in the assessment of an advertisement consent application insofar as Local Planning Authorities are required to exercise their powers under the Town and Country Planning (Control of Advertisements) (England) Regulations with regard to amenity and public safety. Relevant development plan policies can be taken into account only insofar as they relate to amenity and public safety, and any other relevant factors.
21. Concern has been raised, within several objections, with regard to Highway Safety which, has been discussed above but in the context of comments regarding the frequent change of imagery I have added conditions regarding use of the display in order to appropriately control use of the display for the reasons set out above. I note commentary has been made that the existing billboard should be removed, however, for the reasons set out the existing advertisements are present and are a material consideration and, in the event this appeal failed, they could remain.
22. Comments have been made regarding the negative psychological impacts of advertisements as well as behavioural impacts, however, this is not within the

scope for consideration as part of this appeal. Comment has been made with regard to harm to wildlife; however, I find that the proposal would be located in a well-lit area with existing street lighting and that the proposal would be controlled in accordance with light levels to ensure that the levels of brightness was appropriate at relevant times of the day. I have no evidence before me to suggest that the proposal should be refused on the basis of impact to wildlife.

23. I note comment is made, by many objectors, as to the cumulative impacts of advertisements across Bristol City, however, given the matters which I am required to take into account in the context of the advertisement regulations I do not find that this is a material consideration and I have no evidence before me to suggest that the cumulative impacts of advertisements within the vicinity of the appeal site in question would be sufficient to warrant refusal in terms of character and appearance of the street scene or the surrounding area.

Conditions

24. The Council's questionnaire confirms that they do not consider any conditions other than the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in the event that express consent as applied for is granted. The appellant is reminded to note, as they have within the appendices to their statement of case, the content of the standard conditions as appropriate.
25. I find that given the concerns raised additional conditions, as suggested by the appellant, to be appropriate and consistent with the relevant tests within the Framework as part of the consent granted in relation to use of the display. Conditions controlling the use of the display in terms of luminance, transitions, moving imagery etc. are required in order to ensure that the advertisement is operating in such a manner in order to ensure the development is appropriate in terms of highway safety consistent with consultee responses, third party comments, and matters discussed above, and upon which the permission is granted.

Conclusion

26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR