



Appeal Decisions

Site visit made on 28 May 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 4TH July 2025

Appeal A Ref: APP/Z0116/W/25/3358862

New World Payphones Telephone Box, Outside Bay Horse, 1 Lewins Mead, Bristol BS1 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Porte of New World Payphones against the decision of Bristol City Council.
 - The application Ref is 24/02255/F.
 - The development proposed is the removal of existing red telephone box outside 2-4 Fairfax Street and red double telephone box outside (Bay Horse) 1 Lewins Mead and replacement with single black digital communications kiosk and ancillary advertisement outside (Bay Horse) 1 Lewins Mead.
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Appeal B Ref: APP/Z0116/H/25/3358863

New World Payphones Telephone Box, Outside Bay Horse, 1 Lewins Mead, Bristol BS1 2LJ

- 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.
 - The appeal is made by Mr Ben Porte of New World Payphones against the decision of Bristol City Council.
 - The application Ref is 24/02256/A
 - The advertisement proposed is the digital advertising display integrated within replacement digital communications kiosk.
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Decision

1. Appeal A is allowed and planning permission is granted for the removal of existing red telephone box outside 2-4 Fairfax Street and red double telephone box outside (Bay Horse) 1 Lewins Mead and replacement with single black digital communications kiosk and ancillary advertisement outside (Bay Horse) 1 Lewins Mead at New World Payphones Telephone Box, Outside Bay Horse, 1 Lewins Mead, Bristol BS1 2LJ and outside 2-4 Fairfax Street in accordance with the terms of the application, Ref 24/02255/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the drawings entitled "Site Location Plan" and "Site Plan B" and drawing nos PY4623-013-001 and PY4056/005.
2. Appeal B is allowed and express consent is granted for the display of the digital advertising display integrated within the replacement digital communications kiosk at New World Payphones Telephone Box, Outside Bay Horse, 1 Lewins Mead, Bristol BS1 2LJ in accordance with the terms of the application, Ref 24/02256/A,

dated 11 June 2024. 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 conditions:

- 1) The advertisement hereby granted shall display static images only and the minimum display time for each advertisement shall be 10 seconds.
- 2) The levels of illuminance of the advertisement hereby granted shall not exceed 600 candela per square metre between sunset and sunrise; and shall not exceed 2500 candela per square metre between sunrise and sunset.

Preliminary Matters

3. The application site as shown on the Site Location Plan is split across two locations, one is outside of 2-4 Fairfax Street and the other is outside 1 Lewins Mead. For ease of reference, I will refer to these individually as the Fairfax Street Site and Lewins Mead Site, respectively, although they form part of one application site.
4. The site address in the banners above is taken from the Application form. However, in my formal decision for Appeal A I have included reference to “outside 2-4 Fairfax Street” as this is a more accurate description of the two locations of the appeal site.
5. There are two appeals which are intrinsically linked. Appeal A is for the removal of telephone boxes at both sites and the installation of a digital communications kiosk at the Lewins Mead Site. Appeal B is for an integral digital display advertisement panel on the reverse of the proposed kiosk. I have assessed each proposal on its individual merits. However, in the interest of brevity and to avoid duplication I have dealt with the two appeals together, except where otherwise indicated.
6. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Although the reasons for refusal for Appeal B and the Delegated Report submitted as part of that appeal refer to policies contained within the Site Allocations and Development Management Policies, Local Plan, July 2014 (SADMP); Bristol Development Framework Core Strategy June 2011 (CS); Bristol Central Area Plan, March 2015 (BCAP); and the National Planning Policy Framework (the Framework), these are material considerations rather than being decisive in the determination of Appeal B.
7. The description of development within the banner for Appeal A is duplicated from the Application Form. However, I have removed reference to “... (as permitted by appeals ref. APP/Z0116/W/17/3184273 and APP/Z0116/Z/17/3167691)” as this does not refer to an act of development. Similarly, the description of the advertisement within the banner for Appeal B is duplicated from the Application Form. However, I have removed reference to “... (as allowed in appeal APP/Z0116/Z/17/3167691)”, as this does not refer to a type of advertisement.

Main Issues

8. The main issue of Appeal A is the effect of the installation of the proposed kiosk on the proposed sustainable transport infrastructure project. The main issue of Appeal B is the effect of the proposed advertisement on public safety.

Reasons

9. The Lewins Mead Site is located on a primary pedestrian route. BCAP Policy BCAP30 indicates that development that would be harmful to the accessibility of primary pedestrian routes will not be permitted. Furthermore, CS Policy BCS 10 indicates that land required for the implementation of transport proposals will be safeguarded to enable their future provision.
10. The Council contends that the installation of the proposed kiosk at the Lewins Mead Site would prejudice the CRSTS project, which aims to enhance sustainable transport across the city. The Council indicate that the project would be prejudiced for two reasons. Firstly, the proposed kiosk would block walking and cycling access once the CRSTS scheme is implemented. Secondly, it would be costly to relocate the proposed kiosk and therefore it would jeopardise the Project as designed.
11. With regard to Appeal B, the Council indicate that due to the siting of the proposed advertisement, the Council would be unable to implement the CRSTS project as designed. It contends that this would lead to increased disruption and would result in an increased risk to public safety.
12. The CRSTS project has been the subject of a public consultation. However, the consultation did not include detailed plans for the area around the Lewins Mead Site. Therefore, it is not possible to determine how the installation of the proposed kiosk may block proposed pedestrian or cycle accesses. There is also no evidence on the additional cost to relocate the proposed kiosk compared to the existing telephone boxes, alongside the cost of the project as a whole. Without this, I cannot conclude that the cost of relocating the proposed kiosk would jeopardise the project as designed.
13. As there is no evidence before me of detailed interventions, or the timeline for delivery of the project, it appears that the CRSTS project is at an early stage of development. As such, there is scope for the project to be significantly different than currently proposed and there is a risk it may not be delivered. Although there is a requirement to safeguard the land required for the implementation of transport proposals, it would be premature to do so in this instance as it has not been demonstrated that the Lewins Mead Site would be affected. Consequently, there is no substantive evidence before me that the proposed kiosk would undermine the delivery of the CRSTS project. With regard to Appeal B, it follows that there is no substantive evidence that the siting of the proposed advertisement would result in increased disruption, which would result in an increased risk to public safety.
14. Although the proposed kiosk would be taller than the existing telephone boxes, it would be narrower and shallower. As such, the removal of the telephone boxes and the installation of the proposed kiosk would reduce street clutter. In turn, this would improve the accessibility of the primary pedestrian route around the Lewins Mead Site.
15. With regard to Appeal A, I conclude that the installation of the proposed kiosk would not have a harmful effect on the proposed sustainable transport infrastructure project. It would comply with BCAP Policy BCAP30, CS policies BCS10 and BCS11, and SADMP Policy DM23. These policies indicate that development shall not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access for pedestrians and cyclists, and development that would be harmful to the accessibility of primary pedestrian routes

will not be permitted, amongst other matters. The appeal proposal would also accord with paragraph 115 of the Framework where it advises that sustainable transport modes are prioritised.

16. Within the reason for refusal for Appeal A, it indicates that the proposal would be contrary to BCAP Policy BCAP2. This policy concerns new homes through the efficient use of land. It is therefore unclear how it is relevant to the appeal proposal.
17. With regard to Appeal B, I conclude that the proposed advertisement would not have a harmful effect on public safety, after assessing the material considerations including the development plan policies.

Other Matters

18. The Fairfax Street Site is within the City and Queen Square Conservation Area (CA). The application site is also in proximity to the Grade II listed Bristol Police Headquarters, Fire Station¹ and the Grade II listed 7 Bridewell Street². Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must have special regard to the desirability of preserving the listed buildings and their settings, and pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
19. The significance of the CA in part relates to the medieval street pattern which reflects the area's role as the historic centre of the city. The Character Appraisal³ identifies one of the main issues affecting the CA is the excess of street clutter. The removal of the phone box at the Fairfax Street Site, would reduce clutter and enhance the appearance of the CA.
20. The significance of both listed buildings relates to their architectural merit and the retention of several historical features. Both buildings are located within the city centre and their settings largely comprise of commercial development and many illuminated advertisements. There is also limited intervisibility between the appeal site and the listed buildings. The proposed kiosk and advertisement would assimilate with the surrounding development and preserve the setting of the listed buildings.
21. Interested parties also contend that St James Parade Conservation Area (SJPCA) would be harmfully affected by the proposed illuminated advertisement at the Lewins Mead Site. The significance of this area in part relates to the precinct and the setting of the Prior of St James. The setting of SJPCA includes commercial development within Bristol City Centre, including the two existing telephone boxes and illuminated advertisements. The replacement of the telephone boxes with the proposed kiosk including an illuminated advertisement would assimilate with the character of the area; consequently, it would preserve SJPCA's setting.

Conditions

22. With regard to Appeal A, the Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance within the Framework and the Planning Practice Guidance. Conditions specifying a time limit

¹ List Entry Number 1204242

² List Entry Number 1204238

³ City and Queen Square, Character Appraisal, March 2009

to implement the permission, and approved plans are required in the interest of certainty.

23. With regard to Appeal B, in addition to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), it is both necessary and reasonable to impose conditions which restrict the illumination of the advertisement and to restrict the advertisement to the display of static images only. These conditions are necessary to ensure that the proposed advertisement would not distract highway users, in the interest of public safety. The illuminance levels permitted are in accordance with the levels advised within 'The Brightness of Illuminated Advertisements Including Digital Displays' guidance, 2023.
24. The Council proposed several other conditions which would specify how the advertisement would refresh, require the screen to be dark in the event of a malfunction, control the content of the advertisement, and require the appellant to submit information in relation to its ongoing management and maintenance. It would not be reasonable to impose conditions which restrict how the content would refresh and how the advertisement would appear in the event of a malfunction. Furthermore, it is not necessary to impose the other proposed conditions as those matters are adequately covered by the standard conditions specified in the Regulations.

Conclusion

25. For the reasons given above, Appeal A should be allowed and planning permission should be granted, and Appeal B should be allowed and express consent should be granted.

J Hobbs

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Z0116/W/25/3358862	Mr Ben Porte of New World Payphones
Appeal B	APP/Z0116/H/25/3358863	Mr Ben Porte of New World Payphones