



Appeal Decisions

Site visit made on 13 August 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal A Ref: APP/Z0116/W/25/3367071

Pavement o/s McDonald's, 101-105 The Horsefair, Bristol BS1 3JR

- 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 BT Telecommunications Plc against the decision of Bristol City Council.
- The application Ref is 25/10674/F.
- The development proposed is described as 'Proposed installation of 1 no new BT Street Hub, incorporating 2 no digital 75" LCD advert screens, and associated BT Phone Kiosk removals'.

Appeal B Ref: APP/Z0116/H/25/3367072

Pavement o/s McDonald's, 101-105 The Horsefair, Bristol BS1 3JR

- 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 BT Telecommunications Plc against the decision of Bristol City Council.
 - The application Ref is 25/10675/A
 - The proposed advertisement is described as 'Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and associated BT Phone Kiosk removals'.
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the proposed installation of 1 no. new BT Street Hub, incorporating 2 no digital 75" LCD advert screens, and associated BT Phone Kiosk removals at Pavement o/s McDonald's, 101-105 The Horsefair, Bristol BS1 3JR in accordance with the terms of the application, Ref 25/10674/F, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for the installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, and associated BT Phone Kiosk removals at Pavement o/s McDonald's, 101-105 The Horsefair, Bristol BS1 3JR in accordance with the terms of the application, Ref 25/10675/A. The consent is granted for five years from the date of this decision and is subject to five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions in the attached schedule.

Preliminary Matters

3. There are two appeals on this site. *Appeal A* concerns the refusal of planning permission for the proposed BT street hub, while *Appeal B* concerns the refusal of express consent for digital advertisement on the same BT street hub. I have considered each on its individual merits. As they raise similar issues, I have dealt

with the two schemes together, except where otherwise indicated, to avoid duplication.

4. In respect of Appeal B, the Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control in the interests of amenity and public safety, taking into account cumulative impacts. Therefore, while I have taken relevant policies of the Bristol Core Strategy (June 2011), the Site Allocations and Development Management Policies (June 2014), and the Bristol Central Area Plan (March 2015) into account as a material consideration, they have not been determinative.

Main Issues:

5. The main issues are, in *Appeal A*, the effect of the proposal on:
 - the character and appearance/visual amenity of the area, and
 - highway safety and public safety

In *Appeal B*, the effect of the proposed advertisements on:

- the character and appearance/visual amenity of the area.

Reasons

Character and Appearance / Visual Amenity

6. The site is located on the footpath along the northern side of the Horsefair, within the designated Primary Shopping Area of Bristol. It is not situated within a conservation area, nor is it within the setting of any listed building. Most of buildings in the area are three storeys in height, and the Cabot Circus Retail Park is located in close proximity to the site. An existing street hub is already in place at the appeal location. The surrounding area also contains various types of street furniture, including bus shelters, lighting columns, wayfinding, street bollards and Sheffield stands for cycle parking.
7. The proposed hub would be a freestanding, upright structure. Although relatively tall, its contemporary design and powder-coated aluminium finish would assimilate well with its surroundings, reflecting the variety of colours and styles of street furniture and shopfronts in the area, particularly the modern design of the adjacent Cabot Circus Retail Park.
8. In respect of Appeal B, the proposal would incorporate digital displays on both sides of the hub. A variety of advertisements are present on both sides of the Horsefair, in close proximity to the appeal site. At my site visit, I also observed advertisement displays on nearby bus shelters. As such, an inclusion of advertisement displays within the hub would not be unusual in this predominantly retail area and would not be out of scale with its surroundings. Furthermore, a degree of illumination of advertisements would normally be expected in retail areas, as such, I do not find the proposal would be out of character.
9. Consequently, in respect of Appeal A, I conclude that the appeal proposal, in this regard, would not be harmful to the character and appearance of the area. It therefore accords with Policy BCS21 of the Bristol Core Strategy (June 2011) (Core Strategy); Policies DM26, DM27 and DM28 of the Site Allocations and Development Management Policies (July 2014) (SADMP); and Policy BCAP30 of

the Bristol Central Area Plan (March 2015) (BCAP). Together these policies, amongst other matters, seek a high standard of design for new developments and respect the character of the area.

10. In respect of Appeal B, I conclude that the appeal proposal would not have an unacceptable effect on the amenity of the area. The policies of the development plan have been considered as far as they are material.

Highway Safety and Public Safety

11. Digital advertising is materially different from conventional static display, as it changes content at a faster pace and is designed to attract and retain attention. At my site visit, I observed that the area experiences a high level of footfall. The Council has also indicated that the large number of mopeds used for food deliveries coming and going near the area adds additional pressure on the footway. In addition, the Council raises a concern that the proposed hub, which would provide free Wi-Fi, could lead to pedestrian gathering around it, further reducing the available footway space, particularly for wheelchair users and other with mobility needs.
12. The proposed hub would be set at an angle to the Horsefair, positioned between a street lighting column and bicycle stands. Although the Council suggests that the proposed street hub would be larger than the existing development on the site, the proposed elevation plan shows that it would be narrower than the existing kiosk. In addition, the existing structure includes a canopy with screens on both sides, whereas the proposed hub would have a simpler and clutter-free appearance, allowing pedestrian to move safely and comfortably along the footway. Given that a reasonable amount of space around the proposed hub would remain, the proposal would not increase pedestrian exposure to highway traffic compared with the existing arrangement.
13. The Council made reference to the Transport for London (TfL) Pedestrian Comfort Guidance, which provides guidance for assessing pedestrian comfort. However, as the document is primarily intended for streets in London area, its relevance to the appeal site is limited. Nonetheless, the proposed hub is relatively modest in floor area, and pedestrians would be likely to use the free Wi-Fi for short periods, so they would not need to remain adjacent to the hub for extended periods. Consequently, the appeal proposal would not obstruct pedestrian movement in the vicinity of the area.
14. The Council raises a concern that pedestrians using their phones near the street hub may increase risk of crime, such as theft. Whilst the risk of opportunistic crime exists in any public place, little substantive evidence has been submitted to demonstrate that the proposed hub would increase this risk.
15. Therefore, in respect of Appeal A, I conclude that the proposal would not result in harm to highway and pedestrian safety. I have taken into account Policies BCS10 of the Core Strategy, Policies DM23 and DM28 of the SADMP, and Policy BCAP30 of BCAP, which requires, amongst other things, that developments have regard to the need to ensure all modes of movement are made safe and convenient. Reference is made to Policy BCS13 of the Core Strategy, in the reason for refusal, however, as this relates to climate change, it is not determinative in respect of Appeal A.

Other Matters

16. A number of previous appeal decisions have been brought to my attention. The linked appeal decisions¹, dismissed planning permission and advertisement consents for a Pulse Smart Hub and a 2X (back to back) digital LED displays outside Cabot Circus Car Park (CCCP) in Newfoundland Street, Bristol, having considered its siting and appearance. Although both the appeal site and CCCP are located in an urban area of Bristol, there are minimal advertisements at street level in the vicinity of the CCCP. This is considerably different from the urban environment of the appeal site. Therefore, I do not consider these decisions to be directly comparable to the appeals before me.
17. In relation to the proposed development, a third-party expressed concerns regarding the International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate not being properly completed. However, no substantive evidence has been submitted to support this concern. In relation to the proposed LCD advert screens, the potential for LED lighting to affect the health of sensitive individuals has been raised. As the assessment of advertisements though is confined to amenity and public safety only, with the latter restricted to the risk of accidents, this is not a matter that can be taken into account in relation to Appeal B.

Conditions

18. The Council has suggested a number of conditions which I have considered against the tests set out in the Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording in the interests of clarity and precision.
19. For Appeal A, the Council has not stated the drawings titles or numbers in their suggested conditions. As a result, to provide clarity and certainty, I have imposed a condition to specify the approved plans that the development is to be carried out in accordance with based on the titles and/or drawings number listed on the Council's decision notice.
20. In addition to the standard time-limit implementation condition, I have imposed a condition to ensure the ongoing maintenance and management of the hub in the interests of the character and appearance of the area and to ensure that the development does not increase crime and disorder.
21. I have also imposed the condition suggested by the Council for the removal of the existing BT telephone kiosk to ensure that the appeal proposal would not increase clutter in the area. I have not imposed the condition requiring a construction management plan for the proposed installation as the proposal would be modest in scale.
22. For Appeal B, the appellant has requested a longer period of temporary consent; however, no substantive justification has been provided to support a departure from the standard 5-year period. The standard timeframe is intended to allow the effects of a development to be monitored and reviewed, so a 5-year consent is both reasonable and necessary. Other standard conditions set out in Schedule 2 of the 2007 Regulations apply and these conditions are not repeated in the attached schedule. I have not attached a plans condition as, unlike in the grant of

¹ APP/Z0116/W/24/3356651, APP/Z0116/H24/3356653, APP/Z0116/W/24/3356654 and APP/Z0116/H/24/3356655

planning permission, with the grant of consent for an advert there is no opportunity to apply for minor material amendments.

23. The Council has suggested a condition to prevent the emission of sound, smoke or odours from the proposed adverts. However, there is no evidence to substantiate that they would create problems in this regard. Therefore, such a condition is not necessary. In addition, I have not imposed a condition requiring an access, management and inspection plan, as there would be an anti-social behaviour management plan in place to safeguard the ongoing management of the adverts.
24. The appellant has objected to the conditions relating to the level of illumination and the submission of illuminance monitoring reports suggested by the Council to safeguard highway and pedestrian safety. I have not been directed to any specific policies by the Council regarding the level of illuminance that should apply in this area. Given that the level of illumination would comply with the recommendations of the Institute of Lighting Professionals (ILP), and that it would be situated within a busy city centre retail area where there are already illuminated advertisements, I do not consider that it would be necessary to monitor the illumination for the appeal proposal or submit monitoring reports in relation to highway safety and lighting. Therefore, I have only imposed a condition to ensure that the appeal proposal would comply with the recommendations of the ILP.
25. Given that the appeal site is situated in a retail area, in the interests of the character and appearance of the area and highway safety, I have also imposed conditions restricting the advertisements to static images and limiting the frequency and nature of their changeover. I have also imposed a condition requiring a dimmer and a photocell to be installed, as no details of these were provided on the submitted plans. The condition ensures that the units automatically dim in low light and, in the event of a fault, that the screen goes blank.

Conclusion

26. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed.

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INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 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 following drawings nos: drawing no 001A (Site Location), drawing no 002A (Proposed Site Plan), and drawing no 003A (Existing and Proposed elevations).
- 3) The development hereby permitted shall be maintained in accordance with the management measures detailed in the BT Street Hub Anti-Social Behaviour Management Plan Version 3 for the lifetime of the development.
- 4) Within three months of the development hereby permitted being implemented the existing BT telephone kiosk on the pavement o/s McDonald's 101-105 The Horsefair, Bristol, BS1 3JR shall be removed and the pavement shall be reinstated to condition matching the adjacent footway.

Appeal B

- 1) The intensity of the illumination of the advertisements permitted by this consent shall be within that recommended by the Institute of Lighting Professionals for a sign within Zone E3 /E4 in its Professional Lighting Guide 05 (PLG 05) The Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
- 2) The minimum display time for each advertisement shall be 10 (ten) seconds and the advertisement display panels shall display static images only.
- 3) The interval between successive advertisements shall be no great than 1 (one) second and the complete display shall change without effect.
- 4) The advertisement digital display screens shall include a mechanism to default to a frozen advertisement or a blank or black screen in the event of any malfunction.
- 5) The advertisement shall be equipped with a dimmer control and photocell which shall constantly monitor ambient lighting conditions and adjust sign brightness accordingly.
- 6) No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

END OF SCHEDULE