
Appeal Decisions

Site visit made on 24 October 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal A Ref: APP/Z0116/W/25/3369235

Pavement o/s 10 Straits Parade, Fishponds, Bristol, BS16 2LA

- 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 25/10951/F.
 - The development proposed is the installation of 1no. BT Street Hub and removal of associated BT payphones.
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Appeal B Ref: APP/Z0116/H/25/3369236

Pavement o/s 10 Straits Parade, Fishponds, Bristol, BS16 2LA

- 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 Simon Warner of BT Telecommunications Plc against the decision of Bristol City Council.
 - The application Ref is 25/10952/A.
 - The advertisement proposed is the installation of 1no. BT Street Hub and removal of associated BT payphones.
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1No. BT Street Hub Unit and removal of associated BT payphones at the pavement o/s 10 Straits Parade, Fishponds, Bristol, BS16 2LA in accordance with the terms of the application, Ref 25/10951/F, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for the display of 2no. digital 75" LCD display screens, one on each side of the Street Hub unit at the pavement o/s 10 Straits Parade, Fishponds, Bristol, BS16 2LA in accordance with the terms of the application, Ref 25/10952/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. I have used the descriptions from the respective application forms in the banner headings above. However, in my formal decision for Appeal B I have amended the description to match the description used by the Council on the decision notice, as this more accurately describes the proposed advertisement.

4. I have taken the addresses used in the banner headings above from the decision notices. These accurately describe the site. There are no addresses listed in the application forms, and the appeal forms do not reference a postcode.
5. As set out above, there are two appeals on this site. They differ only in that Appeal A relates to planning permission and Appeal B to express advertisement consent. I have considered each on its individual merit. However, as they raise similar issues, I have dealt with the two schemes together, except where otherwise indicated, to avoid duplication.
6. 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 only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. Therefore, while I have taken relevant policies of the Bristol Development Framework Core Strategy (2011) (CS) and the Site Allocations and Development Management Policies- Local Plan (2014) (LP) into account as a material consideration, they have not been determinative.
7. The appeal site is within the Stapleton and Frome Valley Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

8. The main issues for Appeals A and B are the effect of the proposal on:
 - the character and appearance/visual amenity of the area, including the Stapleton and Frome Valley Conservation Area; and
 - highway/public safety

Reasons

Character and appearance/visual amenity including the CA

9. The appeal site is located along a stretch of pavement on Straits Parade, opposite 10 Straits Parade. Straits Parade is a one-way street providing access from Fishponds Road to connecting streets. It is mainly occupied by various shops. The footway in the vicinity of the appeal site is relatively wide and contains various street furniture including a bus shelter, litter bins, lamp posts, bollards, a street sign and bicycle stands. The width of the footway is broken up by a contrasting surface towards the outer edge of the footway. At the time of mid-morning site visit, the footway was lightly trafficked.
10. The CA comprises the land immediately abutting the River Frome from Frenchay Village to Stapleton Bridge at Eastville Park and extends eastwards to include Fishponds Village and also northwards. The architectural character of the CA- derived from the linking of the villages of Stapleton, Fishponds and the perimeter of Frenchay, is predominantly rural in the demonstrated range of building materials and the disposition of cottages and streets.

11. The proposed freestanding hub would be positioned between an existing streetlight and a bin, on the outer portion of the footpath, adjacent to a loading bay. Its positioning on the outer portion of the footpath would be in keeping with the siting of surrounding street furniture and would not confuse the legibility of the footpath. The modern design of the hub and use of dark materials would be in keeping with the colour and design of other street furniture in the vicinity, which would allow it to assimilate well with its surroundings and preserve the character and appearance of the CA.
12. Although relatively tall, the slim profile of the hub would reduce its overall bulk such that it would not be unacceptably prominent in the street scene. Additionally, it would be set against the backdrop of the two-storey row of shops and largely screened from Fishponds Road by the mature trees which separate Straits Parade and Fishponds Road. It would also be sufficiently separate from existing street furniture so as not to result in unacceptable clutter. In any case, the scheme also seeks the removal of two BT payphones in the wider area, which would effectively remove street clutter, and is an important consideration in favour of the scheme.
13. Given the width of the footpath, the advertisements within the hub would not appear overtly prominent or result in the proliferation of signage in the street scene. The appearance of the advertisement displays within the hub would not be unusual in this commercial context and given their size, they would not appear prominent set against the scale of the buildings in the immediate vicinity. As there are other examples of illuminated signage and the street would be well-lit by lamps on buildings, the illumination of the advertisements would not appear out of place or obtrusive. Overall, the scheme would preserve the character and appearance of the CA.
14. There is no substantive evidence before me to demonstrate that the internal illumination would be poor quality. In the event that the appeal was to be allowed, a planning condition could be used to control to level of illumination. Concerns are raised that the advertisement would have no relation to the locality, and the hub is unjustified. However, I have not been directed to any planning policy where this is a specific requirement, or such development is resisted.
15. Concerns are also raised that the proposed hub could facilitate anti-social behaviour and crime. Whilst the risk of opportunistic crime exists in any public place, little substantive evidence has been submitted to demonstrate that the proposed hub would directly increase this risk. Additionally, any use of the free Wi-Fi would likely be for relatively short periods of time, preventing any prolonged loitering. Noting the provisions of the BT Street Hub Anti-Social Behaviour Management Plan, which provides for call restrictions and prioritises any contact from the police, a planning condition would reduce the risk of the BT street hub being used for crime to an acceptable degree.
16. Concerns are also raised regarding the hub creating problems for existing CCTV cameras, such as colour contrasting and reducing visibility. There is however limited substantive evidence before me to demonstrate that this would be an issue in the circumstances of this appeal and the surrounding context. From the evidence before me, it appears that the appropriate consultations have been carried out by the Council.

17. Consequently, in respect of Appeal A, I conclude that the proposed development would not result in harm to the character and appearance of the area and would preserve the character and appearance of the CA. It therefore accords with Policy BCS21 of the CS and Policies DM26, DM27, DM28, DM29, and DM36 of the LP. Collectively, amongst other things, these policies seek to ensure high quality design that contributes positively to an areas character and identity and a safe, attractive, high quality and inclusive public realm. It would also accord with Policy BCS22 of the CS and Policy DM31 of the LP. Collectively, these policies seek to preserve or enhance heritage assets.
18. In respect of Appeal B, I conclude that the proposed advertisement would not result in harm to the visual amenity of the area and would preserve the character and appearance of the CA. I have taken into account Policy BCS21 and BCS22 of the CS and Policies DM26, DM28 and DM29 and DM31 of the LP. Collectively, amongst other things, these policies seek to ensure that development responds positively to an areas character, preserves or enhances heritage assets and contributes to a safe, attractive, high quality and inclusive public realm.

Highway/public safety

19. I acknowledge that the proposed hub would create an additional obstruction in the footpath. However, the proposed hub would be situated on the outer section of the footpath where other street furniture is mainly positioned. As such, in my view and based on my experiences at my site visit, pedestrians would already be more likely to travel on the inner section of the footpath to avoid existing obstructions. As the pavement is wide, there would be ample space around the hub for pedestrians to pass freely along the footway, taking account of the proximity of shopping frontages to the appeal site. Any pedestrians, including those using wheelchairs, would likely only use the free Wi-Fi for short periods, so they would not need to remain adjacent to the hub for extended periods. The Council refer 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.
20. The Council outline how often delivery riders wait to pick up orders and undertake general good loading activities in the loading bays opposite the site. However, it is likely that such activities would be concentrated in the evenings when the Domino's hot food takeaway would mainly be used. During this time various other shops along the street would likely be closed, reducing the volume of people using the footway. In any case, the use of the loading bay and the street hub would be on an intermittent basis and would not lead to a regular obstruction of the footway. Additionally, users would be aware of their surroundings, including traffic along the road, and most likely would act accordingly. As such, I do not consider that the cumulative obstruction would unacceptably reduce footway space or harm pedestrian safety.
21. My attention is drawn to the West of England Local Cycling and Walking Infrastructure Plan 2020-2026 (LCWIP). This seeks to reduce footway clutter and increase footway widths within the Fishponds Road Core Walking Zone, which includes the site. This plan however outlines how such improvements are subject to detailed analysis of consultation responses, further design, technical work and funding requirements, amongst other things. No detailed plans of this precise area, or precise timescales for delivering the scheme have been drawn to my attention.

Given this, I cannot be sure of when the works may come forward, or precisely how they would affect this specific part of the footway. Therefore, the evidence in relation to the scheme prejudicing the aspirations of the LCWIP is not sufficiently precise or persuasive so as to warrant a refusal of the scheme.

22. Straits Parade is a one-way street which provides access to a number of surrounding streets. There are a number of on street parking spaces, loading bays, a bus stop and vehicle junctions in the area and the Council outline how these factors, amongst others, give rise to complex pedestrian desire lines in the area. On my mid-morning site visit, the road was moderately trafficked, and vehicles typically moved at a low speed. The Council outline how this low speed can encourage pedestrians, cyclists and vehicles to make sudden and unpredictable crossing movements.
23. The proposed hub would be positioned adjacent to the loading bay and therefore set back from the main highway. Additionally, the appeal site is some distance away from the junction of Straits Parade and Fishponds Road/Oldbury Court Road. Therefore, motorists travelling up from this junction towards the appeal site would have relatively long views of the appeal site, enabling them to assess the highway conditions and any potential obstructions. This is also the case for the junction to the east of the site with Fishponds Road/Vassal Road. Given that the street is one way, motorists are unable to turn towards the appeal site from Vassal Road. As such, the proposed hub would therefore not unacceptably hinder views of the highway.
24. The Council have drawn my attention to 2 recorded vehicle accidents on the nearby highway network. Whilst these are noted, such incidents can happen anywhere. Based on the evidence before me, I also cannot be sure of the exact circumstances or reasons behind these incidents.
25. Overall, while I have taken into account the concerns raised by the Transportation Officer, in the context of this urban and commercial location, I see no reason why the proposed hub and in particular the proposed adverts should be a distraction that would result in a danger to public safety sufficient to justify a refusal of permission and consent. In any case, a planning condition could be used to control the frequency and nature of advert changeovers, and to ensure that adverts do not resemble road signs.
26. Concerns are raised regarding the lack of servicing statement which would identify where servicing vehicles would stop to maintain the equipment safely. There are however parking spaces close to the appeal site which any servicing vehicles could utilise. Additionally, it is reasonable to expect that any employees servicing the units would park in a safe and legal manner. The submitted plans do not indicate that any other above ground structures, apart from those shown on the plans, are proposed. There is no evidence before me to demonstrate that the proposed hub would be structurally unsound.
27. To conclude, in respect of Appeal A, for the reasons outlined above the scheme would have an acceptable impact on highway safety. It is therefore in accordance with Policy BCS10 and BCS13 of the CS and Policy DM23 and DM28 of the LP. Collectively, amongst other matters, these policies seek to ensure that all modes of movement are safe and convenient.

28. In respect of Appeal B, for the reasons outlined the proposed advertisement would ensure public safety. I have taken into account Policy BCS10 of the CS and Policy DM23 of the LP.

Other Matters

29. Four linked dismissed appeals in Bristol have been drawn to my attention¹. However, the appeal site appears to be situated in close proximity to a primary vehicle route into the City of Bristol, with large volumes of traffic. The circumstances relating to highway/public safety are therefore not directly comparable to the appeal before me. Given the location of the referenced appeal site, close to the centre of Bristol, off a primary vehicle route, the circumstances relating to the character and appearance of the area/visual amenity, including the CA, are also not directly comparable to the appeal scheme before me.
30. Concerns are raised regarding the lack of information in relation to the level of online and data security the hubs would have. The evidence before me however outlines how such devices must comply with PSTI legislation. These matters would therefore be covered by this legislation. There is no substantive evidence before me to demonstrate that the advertisement would have a detrimental effect on mental health.
31. Concerns are raised by interested parties regarding the effect of Wi-Fi, 4G and 5G antennae and small cell technology on health and public safety. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with. There is also no substantive evidence to suggest that the ICNIRP certificate is not valid.
32. Concerns are raised regarding the effect of LED sources on human health, including eye and mental health. However, there is limited substantive evidence before me to demonstrate a direct link between the proposed hub and human health. Furthermore, if the appeal were to be allowed a planning condition could be used to ensure that any illumination from the advertisement is within the range recommended by the Institute of Lighting Professionals for such an advertisement.
33. Concerns are also raised that the proposal would have no direct link with businesses or services in the area and may take away from local independent shops who cannot afford such advertising. However, I have not been directed to any planning policy which requires hubs to have a link to businesses or services in the area. I have also not been directed to any planning policy which seeks to control the content of such advertisements.
34. Interested parties have suggested that the hub's functions are unlikely to be used and would not offer any public service. However, the evidence before me outlines how the appellant (BT) has an obligation to provide publicly accessible call boxes on the street, irrespective of whether or not there is a perception that they are used. Moreover, the proposal arguably would perform a public function in facilitating access to Wi-Fi and improving 5G coverage, amongst other things.

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

35. The evidence explains how the street hubs are designed to create a 'sound cloud' for the person making a call with noise levels sufficient to make calls with background noise. There is limited evidence before me to suggest that the hub would result in material harm by way of loss of privacy.
36. An interested party raises concerns regarding data capture and privacy. Whilst there is a video camera above each screen, the evidence outlines how these are not currently connected or used, and any use would be after consultation and notifying the public and stakeholders through multiple channels. A planning condition could be used, if the appeal were to be allowed, to ensure that any required consultation is carried out. I am satisfied that this would ensure that human rights are not unduly affected in this regard.
37. The appellants submission outlines how the hub would be powered by 100% renewable carbon- free energy. I have not been directed to any planning policy which requires the submission of an Environment Statement. There is no substantive evidence before me to demonstrate that the raw materials required for the construction of the hub would exploit poorer communities, involve poor or dangerous working conditions or use fossil fuels.
38. There is limited evidence before me to demonstrate harm to wildlife. My attention has also not been drawn to any applicable law which seeks to reduce the presence of advertisements in public areas. Concerns are raised regarding the upkeep of the hub. The appellant's submissions however outlines that the hub would be inspected weekly and cleaned at least every two weeks.
39. For the reasons set out above, the scheme broadly complies with the provisions and aims of the Framework, including paragraphs 131 and 135.

Conditions

40. 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 precision and enforceability.
41. For Appeal A, in addition to the standard time-limit implementation condition, it is necessary to specify the approved plans and documents in the interests of certainty. A condition is also imposed 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.
42. I have also imposed the condition suggested by the Council for the removal of the existing BT telephone kiosks to ensure that the appeal proposal would not unacceptably increase clutter in the wider area. A condition is also used to ensure that any required consultation is carried out prior to the use of the cameras on the hub. I have not imposed the condition requiring a construction management plan for the proposed installation as the proposal would be modest in scale.
43. For Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule I have imposed conditions restricting the luminance of the advertisement, restricting the advertisements to static images and the frequency and nature of their changeover in the interests of the character and appearance of the area and highway safety.

44. I have also imposed a condition to ensure that the advertisements do not resemble traffic signs, in the interests of highway safety. I have however removed the Council's reference to the emission of sound, smoke or odours as there is no evidence to substantiate that they would create problems in this regard.
45. In the interests of highway and pedestrian safety, I have also imposed a condition requiring a dimmer and a photocell to be installed. This condition also ensures, in the event of a fault, that the screen freezes the image.
46. I have not been directed to any specific policies regarding the level of illuminance that should apply in this area. I have therefore amended the wording of the suggested condition relating to level of luminance to ensure compliance with the recommendations of the Institute of Lighting Professionals (ILP).
47. 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. I have therefore not attached the suggested conditions relating to this. As outlined above, a condition will be used to ensure that the proposal complies with the recommendations of the ILP. I have not attached the suggested condition relating to the submission of an access, maintenance and inspection plan, as I am not satisfied that there is sufficient justification to demonstrate that such a plan is necessary.
48. It is not necessary to attach a condition listing the approved plans, as my decision relating to Appeal B grants express consent, not planning permission.

Conclusion

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

S Burch

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 and documents:
 - Site location Maps, Drg No. 001 A
 - Proposed Site Plan, Drg No, 002 A
 - Existing and Proposed Elevations, Drg No. 003 A
 - BT Street Hubs Beyond Connection Street Hub Product Statement V2.0, dated September 2024.
- 3) The development hereby permitted shall be managed 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 (3) months of the development hereby permitted being implemented the existing BT Telephone Box: Pavement at Straits Parade, Bristol, BS16 3AL & Pavement at Manor Road, Bristol, BS16 3AL must be removed and the pavement shall be reinstated to a condition matching the adjacent highway.
- 5) The cameras on the hub shall not be used until any required consultation has taken place.

Appeal B

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

****END OF SCHEDULE****