



Appeal Decision

Site visit made on 3 January, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th January, 2017

Appeal Ref: APP/Q1255/Z/16/3159017

1F-1G Old Orchard, Poole, BH15 1SD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by New World Payphones against the decision of Poole Council.
 - The application Ref APP/16/00920/A, dated 9 June, 2016, was refused by notice dated 4 August, 2016.
 - The advertisement proposed is an internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated digital panel as integral part of telephone kiosk as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The advertisement shall display sequential static images only.

Procedural Matter

2. The site address provided on the application form as "Public Telephones 5m from 1d Old Orchard. 6M from Old Orchard" is somewhat misleading particularly given that there is a BT telephone kiosk within a few metres of the subject kiosk, which lies closer to 1D Old Orchard than the appeal kiosk does. Furthermore it is apparent from the application documents that the proposed advertisement relates only to one telephone kiosk. Therefore, in the heading above, I have used the address as given on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposed advertisement on i) the visual amenity of the area and ii) public safety.

Reasons

4. The appeal site is in Poole town centre and falls within the Town Centre Heritage Conservation Area (TCHCA) at a 'gateway' point to the Quay and Old Town. There are a number of listed buildings in the vicinity including The Guildhall, which is listed Grade II*. The existing telephone kiosk relevant to this appeal is situated adjacent to Old Orchard, close to its junction with the High Street, where there are signalised pedestrian crossing points. The area is mixed in character including retail, commercial and residential uses accommodated in a wide variety of modern and historic buildings.
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5. Street furniture is not uncommon in the locality, including road signs, traffic signals, street lights, cabinets, kiosks, benches and litter bins. Such items are somewhat concentrated in the area in front of 1A – 1F Old Orchard, giving a more cluttered appearance there compared to the wider vicinity. Advertisements are also not uncommon in the general area, particularly in relation to the retail and commercial uses, including various illuminated and non-illuminated shop signs, A-boards and a standard poster on the adjacent telephone kiosk.
6. It is proposed that the existing telephone kiosk would be replaced with a new kiosk of more traditional design, which would incorporate the proposed internally illuminated digital advertisement panel mounted as an integral part of it. The dimensions of the proposed LED digital display are given as 1650mm x 928mm. The display would be internally illuminated to a maximum brightness of 280.00cd/m². A sequence of static images would be displayed, with each image changing to the next by smooth fade, not more than once every 10 seconds.

Visual amenity

7. The proposed advertisement panel would be situated on the rear of the replacement kiosk, facing in the direction of the High Street. As a result it would have no significant effect in views from Old Orchard towards the High Street and the listed buildings at 48-52 High Street and The Guildhall beyond. From the High Street, the advertisement would be viewed against the backdrop of 1A to 1F Old Orchard, which are principally occupied at street level by hot food takeaways and an off-licence, with several blocks of flats dominating the view and the skyline beyond. The scale and nature of the proposal would not be dominant or significantly out of keeping in this context.
8. The Guildhall is situated some distance away from the appeal site, from where the advertisement would be seen only as a small feature in the distance, against the aforementioned predominantly commercial and flat backdrop. Additionally, any effect of the proposal on the setting of this listed building would be limited by the curvature of the road and, particularly when in leaf, the various street trees between it and the site. The effect on amenity in relation to the setting of The Guildhall would therefore not be harmful.
9. Furthermore, illumination is not unusual in a town centre location such as this. The proposed internal illumination would be controlled by a light meter to allow the display to be visible in the ambient light. The appellant states that during darkness, when the greatest level of illumination would be perceived the illumination would be restricted to a maximum of 280.00cd/m². The appellant advises that the illumination would therefore be comfortably within the levels recommended by the Institute of Lighting Professionals for commercial areas, which is not disputed by the Council.
10. I therefore conclude that the proposed advertisement would not have a negative impact on the appearance of the built environment and accordingly the amenity of the area, including the character or appearance of the TCHCA, would not be harmed.

Public safety

11. The proposed advertisement would be situated after the traffic signals when approaching the crossing points from the direction of The Guildhall. The traffic signals are visible to approaching drivers from a reasonable distance and, in part

due to the gentle curvature of the road, would come into a driver's view before the advertisement. Moreover, they would be more prominent in that view than the advertisement. Therefore, there would be adequate opportunity for drivers to respond appropriately to the traffic signals, and to assimilate the advertisement, as they approach the crossing.

12. The internal illumination of the advertisement would be limited to a level within that generally acceptable for a commercial town centre location such as this and accordingly would not be likely to cause dazzle or glare, particularly as it would be viewed against the commercial backdrop of 1A to 1F Old Orchard. The proposed advertisement, in the location proposed, would also be unlikely to be confused with the existing traffic signals. No moving images would be displayed and the static images would fade into the next in sequence at a frequency of not more than one image every ten seconds.
13. Drivers from the opposite direction, travelling towards The Guildhall, would not see the advertisement on their approach to the traffic signals because it would be situated on the far side of the replacement telephone kiosk.
14. I am therefore satisfied that the proposed advertisement would not be likely to be so distracting or so confusing to drivers approaching the signal controlled pedestrian crossing point that it would create a hazard to, or endanger, people in the vicinity who are taking reasonable care for their own and others' safety. Accordingly, I conclude that the proposal would not prejudice conditions of public safety.

Conditions

15. In addition to the five standard conditions for advertisements, the Council has suggested an additional condition to restrict the use of the advertisement to sequential images only, essentially in order to prevent the display of moving images, whether sequential or otherwise. I agree that the display of moving images would have the potential to alter the character of the advertisement from that considered in this appeal and by the Council. I have therefore imposed an additional condition to this effect in the interests of amenity and public safety, including the word 'static' for the avoidance of doubt.

Conclusion

16. The Council has drawn my attention to Policy DM2 the adopted Poole Site Specific Allocations and Development Management Policies DPD 2012 and Policy PCS26 of the adopted Poole Core Strategy 2009, which it considers to be relevant to this appeal and I have taken them into account where material. Given that I have concluded there would be no harm to amenity or public safety, the proposal would not conflict with these policies.
17. For the reasons given above, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR