

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/16/3159030

Kingland Road to Dolphin Centre Subway, Poole, BH15 1SH

- 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/16/00933/A, dated 13 June, 2016, was refused by notice dated 3 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.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

Reasons

3. The appeal site is situated outside the Dolphin Centre shopping arcade in central Poole. The existing pair of back to back telephone kiosks is positioned adjacent to Kingland Road, a short distance from The George Roundabout to the northwest and the pedestrian subway and bus station to the southeast. The area is urban in character with a strong predominance of commercial uses. Kingland Road is four lanes wide at this point. There is significant existing street furniture in the area, including cabinets, street lighting columns, road signs, railings, bins, cabinets and various illuminated and non-illuminated advertisements including shop fronts and a freestanding poster-board on the opposite side of the road.
 4. It is proposed that the existing kiosks would be replaced with a new telephone 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.
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5. The proposed advertisement would gradually come into a driver's view when approaching The George Roundabout around the bend from the southeast. In this view, it would be set against the close backdrop of the Dolphin Centre and would not appear as a prominent, surprising or unduly distracting feature in a setting of this nature. The advertisement would be set sufficiently far back from the roundabout to ensure it would not be visible to drivers making their preparations to negotiate the roundabout as they would have passed it, and the advertisement would not impair sight lines or confuse the driver's view when approaching the roundabout.
6. The appellant advises that the internal illumination of the advertisement would be limited to a level comfortably within that generally considered acceptable for a commercial town centre location such as this, which is not disputed by the Council. Accordingly, it would not be likely to cause dazzle or glare, particularly as it would be viewed against the backdrop of a fast food restaurant at the Dolphin Centre. In the proposed location, in relation to local road conditions, it would also not be likely to be mistaken for an authorised traffic signal. 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.
7. Drivers on the opposite side of the road, having exited the roundabout, would have only a very limited potential view of the advertisement, which would face away from them, and this would not result in any significant likelihood of distraction.
8. For these reasons, I consider that the proposed advertisement and its location for display would not be likely to be so distracting or so confusing that it would create a hazard to, or endanger people, in the vicinity who are taking reasonable care for their own and others' safety. I therefore conclude that the proposal would not prejudice conditions of public safety.

Conditions

9. 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 public safety, including the word 'static' for the avoidance of doubt.

Conclusion

10. The Council has drawn my attention to Policy PCS26 of the adopted Poole Core Strategy 2009, which it considers to be relevant to this appeal and I have taken this account where material. Given that I have concluded there would be no harm to public safety, the proposal would not conflict with this policy.
11. For the reasons given above, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR