



Appeal Decisions

Site visit made on 26 September 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal A Ref: APP/V1260/W/23/3320203

Pavement outside The Avenue Centre, 11 Commercial Road, Bournemouth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens, JCDecaux UK Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-18550-PW, dated 13 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is the installation of a multifunctional communication Hub including advertisement display, as illustrated in the attached documentation.
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Appeal B Ref: APP/V1260/H/23/3320204

Pavement outside The Avenue Centre, 11 Commercial Road, Bournemouth

- 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 Mr Martin Stephens, JCDecaux UK Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-665-BQ, dated 13 January 2023, was refused by notice dated 9 March 2023.
 - The advertisement proposed is the installation of a multifunctional communication Hub including advertisement display, as illustrated in the attached documentation.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals relate to the same appeal site and to each other. I have considered each on its individual merits, but as they raise similar issues, I have dealt with the cases in a single decision letter.
4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework (Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive for Appeal B, I have taken them into account as a material consideration. The Council raise no concerns regarding public safety and based on the evidence before me and my observations on site I see no reason to disagree.

Main Issues

5. The main issue in relation to Appeal A is the effect of the proposal on the character and appearance of the area.
6. The main issue for Appeal B is the effect of the proposal on visual amenity.

Reasons

Character & Appearance and Visual Amenity

7. The appeal site is located on a wide pedestrian precinct within a busy town centre shopping area. Commercial premises lie on either side of the precinct whilst there is a number of items of street furniture in the locality, including litter bins, bollards, free-standing cash machine, telephone kiosk, lighting columns and free-standing digital advertisements. The precinct is wide in this location, but due to the existing amount and range of differing types of street furniture there is a cluttered appearance, although it does currently retain an open character.
8. The Council's adopted Bournemouth Public Realm Strategy: Guiding Principles Supplementary Planning Document (April 2013) (SPD), seeks to ensure streets and spaces are attractive by amongst other things, providing visual simplicity, reducing clutter and ensuring a co-ordinated approach to street furniture.
9. I acknowledge that installations of this nature are commonplace in commercial areas and their presence would not be unexpected in a town centre environment such as this. However, the proposal would introduce a substantial eye-catching illuminated digital advertisement, which, notwithstanding the potential ability to control illumination and noting other smaller digital advertisements in the vicinity, would be visible from some distance and a prominent feature within the street scene.
10. It is put to me that the modern 'simple design' of the hub would appear subservient in the street and complimentary to other street furniture. However, I find the proposal, due to its height and form, combined with prominent illuminated advertisement display, would be seen as a significant and imposing item of street furniture. It would be of a noticeably differing appearance and larger scale to the existing street furniture, including the existing free standing digital advertisements, cash-machine and telephone kiosk, which would accentuate its prominence, resulting in an intrusive appearance. Moreover, when seen in conjunction with other street furniture, it would inevitably add to, and increase, the visual clutter of the area thus harmfully eroding the open character.
11. Consequently, the proposal would harm the character and appearance of the area adversely impacting on its visual amenity in conflict with Policy 5.11 of the Bournemouth District Wide Local Plan (February 2002), Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), as well as policies D7 and T1 of the Bournemouth Local Plan: Town Centre Area Action Plan (March 2013) (TCAAP). These policies seek, amongst other things, to protect the character of the area and public realm and create a pleasant and attractive environment and therefore are relevant in this proposal. The proposal would also conflict with the design aims of the Framework and guidance outlined in the SPD.

12. The Council, in their refusal reasons, have referred to TCAAP Policy T2. However, this Policy seeks, amongst other things, to ensure safety for pedestrians and cyclists. Given that no public safety concerns have been raised, and I have no substantive evidence before me to lead me to disagree, there would be no conflict with this particular policy.

Other Matters

13. I accept that advertisements are part of commercial areas and can contribute to vitality and could be utilised to promote initiatives for the benefit of the public. Additionally, the proposed defibrillator would be a further benefit, although I note the Council state there are several other defibrillators in the town centre, thereby limiting the weight I afford to this. The Framework identifies that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. However, these considerations are not without regard to the Framework as a whole and this is only of limited weight in favour of the proposal.

Conclusion

14. For the reasons set out above, having considered, where appropriate, the development plan as a whole, and all other matters raised, the appeals are dismissed.

S Harrington MA MRTPI

INSPECTOR