



Appeal Decisions

Site visit made on 26 September 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal A Ref: APP/V1260/W/23/3320202

65 Commercial Road, Bournemouth BH2 5RG

- 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-PV, dated 09 January 2023, was refused by notice dated 3 March 2023.
 - The development proposed is the installation of a multifunction communication hub including advertisement display, as illustrated in the attached documentation.
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Appeal B Ref: APP/V1260/H/23/3320211

65 Commercial Road, Bournemouth BH2 5RG

- 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 7-2023-5205-E, dated 09 January 2023, was refused by notice dated 3 March 2023.
 - The advertisement proposed is the installation of a multifunction 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 comprises part of a pavement adjacent commercial premises, leading to a triangular pedestrianised area of open space within the town centre. Around and within the triangular area is a variety of street furniture, including litter bins, bollards, bus shelters, advert displays, as well as tables and chairs associated with adjacent cafés and restaurants. The triangular area differs in character from the adjacent Commercial Road, in that it is an open public space of a quieter open character providing relief from the adjacent busy shopping street. The appeal site is located within a narrower area of pavement which leads directly from Commercial Road towards, and within, the confluence of the triangular area.
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. Although 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, I find the proposal, due to its height and form would be seen as a significant and imposing item of street furniture and notwithstanding the potential ability to control illumination, introduce a substantial eye-catching illuminated digital advertisement.
10. 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, due to the site location at the confluence of the open space, it would partially block views into and detrimentally affect the inviting open aspect of the triangular area when viewed and approached from Commercial Road. It would be of a noticeably differing appearance and larger scale to the existing street furniture, in a location which, due to the respective width of the pavement, heighten its prominence in the street scene and result in an intrusive appearance and additional visual clutter 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. The appeal site is not within but lies opposite the West Cliff and Poole Hill Conservation Area (CA). I find the significance of the CA arises from the period built form and pattern of development which provides a good example of the historic expansion of this area of the settlement. The Council have not raised any concerns regarding the effect on the CA within their reason for refusal. Given the location of the proposal adjacent commercial premises and on the opposing side of the Triangle from the CA, the proposal would have a neutral effect on the CA, and I therefore see no reason to disagree with the Council.
14. 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. Furthermore, 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

15. 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