



Appeal Decision

Site visit made on 2 November 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/V1260/Z/23/3324841

The Royal British Legion, 593 Wimborne Road, Bournemouth BH9 2AR

- 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 Clear Channel UK against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-6321-G, dated 27 March 2023, was refused by notice dated 23 May 2023.
 - The advertisement proposed is described as 'an illuminated 48-sheet D-Poster (digital) display.'
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Decision

1. The appeal is allowed and express consent is granted for the display of an illuminated 48-sheet D-Poster (digital) display. 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 conditions:
 - 1) The intensity of the illumination shall be no greater than 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 2) The display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The advertising display shall contain no moving images, animation, video or full motion images, or any images that resemble road signs or traffic signals.
 - 4) The minimum display time for any advertisement shall be 10 seconds and the change between advertisements shall be instantaneous.
 - 5) The advertising display shall have a default mechanism to display a black screen in the event of any malfunction.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter and Main Issue

3. I have omitted the additional explanatory text from the description above as it is shown on the application form. For completeness, the form goes on to refer to illumination complying with guidance, the frequency of image changes and the lack of moving images, videos and flashing lights. These matters do not

form part of the consent sought. The description I have used above is sufficient for the purposes of considering the appeal. I have referred to the other matters, in any case, in the schedule of conditions. Taking the above and the main parties' respective cases into account, the main issue is the effect of the proposed advertisement on visual amenity with particular regard to the setting of non-designated heritage assets.

Reasons for the Recommendation

4. The appeal site is located within the car park of The Royal British Legion building on Wimborne Road and the installation would be seen in the context of the Royal British Legion (RBL) building and the neighbouring Police Station. The advertisement would be positioned in the same location as a banner for the neighbouring business, against the side elevation of a building, and would be viewed when travelling south along Wimborne Road. The busy area is characterised by a mix of residential, retail and commercial frontages. The latter two of which display static and non-illuminated adverts. Immediately around the appeal site the area feels cluttered, with a range of street furniture, parked cars, and banner, A frame and small poster advertisements.
5. Both the Police Station and the RBL building are set back from the road more so than most others on Wimborne Road. As a result, they form a prominent landmark and a break in otherwise continuous retail frontages. Neither of these buildings have a formal heritage designation but the Council consider them to be non-designated heritage assets, owing to their architectural merit. This, together with their use, forms their significance.
6. When travelling south towards the appeal site, views of the RBL building and Police Station are not possible until passing the Cathedral International building. This is in contrast to the proposed location for the advertisement, which would be seen from longer ranging views along Wimborne Road when travelling south. The advert would therefore feel distinct and unrelated to each building in a wider context. When travelling north, the advertisement would not be seen at all with the heritage buildings, owing to its position against the wall of the neighbouring business. There would be views square on, but the advertisement would appear significantly smaller in scale in the context of the building against which it would be read and, as a consequence, the two heritage buildings due to their relative degree of separation and frontage set back.
7. With the above in mind, the significance and quality of the two buildings would remain appreciable in the street scene and the proposed installation would not detract unacceptably therefrom, given also the limited architectural merit of the building against which the advertisement would be located. It would consequently not compete visually with the RBL building or the Police Station. In addition, given the commercial and cluttered feel to the immediate and wider area, the advertisement would not, in this particular case, have an adverse effect on visual amenity more generally.
8. I have taken into account the materiality of Policies CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) which seek to protect local heritage assets with quality design. Given I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these policies.

Conditions

9. I have imposed necessary conditions relating to the control of illumination, moving images and the frequency with which the displays change in the interests of visual amenity. Other conditions have been suggested which seek the submission of a highway safety monitoring scheme and a maintenance plan. However, these are not necessary given that the scheme is acceptable in highway (public) safety terms and the controls of standard conditions would be sufficient.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed. Subject to the conditions set out.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the stated conditions.

John Morrison

INSPECTOR