



Appeal Decision

Site visit made on 19 January 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/M3455/Z/20/3261919

Land adjacent to City Road and Glebedale Road, Stoke on Trent ST4 3AQ

- 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 Alight Media against the decision of Stoke-on-Trent Council.
 - The application Ref 65556/AD, dated 8 July 2020, was refused by notice dated 21 October 2020.
 - The advertisement proposed is the removal of 3no existing illuminated 48-sheet advertisement displays and replacement with a single illuminated 48-sheet digital advertisement display.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for ten 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 development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan Proposed, Plan ref: T4567 A4 051, Scale: 1:500, Dated: 2/07/2020, Received by the LPA:10/07/2020.
 - Elevations Proposed, Plan ref: T4567 A4 061, Scale: 1:100, Dated: 2/07/2020, Received by the LPA:10/07/2020.
 - Specification, Plan ref: T4567 A4 062, Scale: 1:100, Dated: 2/07/2020, Received by the LPA:10/07/2020.
 - 2) The maximum luminance of the advertisement shall not exceed 300cd/m² during darkness. During daylight, the luminance shall be controlled by sensors to reflect ambient light conditions and ensure that the display is not dazzling.
 - 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
 - 4) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.
 - 5) The advertisement shall include controls to ensure smooth uninterrupted transmission of images.

- 6) The sequencing of messages relating to the same product is not permitted.
- 7) If the installation breaks down or is not in use, it shall default to a plain, black screen.
- 8) Before any advertisement is displayed on the panel hereby approved, the existing three panels on the site identified on Drawing T4576 A4 051 shall be permanently removed from the site and the existing fencing shall be repaired or replaced to a workmanlike standard.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal relates to a site on the edge of Fenton town centre, where three 48 sheet externally-illuminated advertisement hoardings currently stand atop a small grassed embankment, facing north east towards the junction of City Road and Glebedale Road. The proposal is to remove the three hoardings and replace them with a single static 48 sheet digital display. This would be approximately 6m wide and 3m high, and would be mounted on a steel monopole. Two further hoardings stand to the south of the appeal site, facing Glebedale Road, but they do not fall within the scope of this appeal.
4. City Road is a busy thoroughfare and that part of it close to the appeal site is predominantly, though not exclusively, commercial in nature. There are various advertisements for the commercial premises in the area, as well as the existing hoardings on and adjacent to the appeal site, and advertisements therefore form a part of the local character. Changing digital displays are not uncommon in busy commercial locations, and I consider that in the context of the surroundings the use of a digital display with no special effects, animation or movement would not increase the prominence of the advert to an extent which would have a materially harmful impact on the appearance of the area.
5. I saw that the existing hoardings are in a poor state of repair, and the appellant has indicated that the company which previously operated the site no longer maintains it. The existing installation, as well as a burnt tree on the site, detract significantly from the quality of the street scene. Their removal as proposed would, in the circumstances, represent a modest improvement in the appearance of the area, while the reduction from three 48 sheet displays to a single one of equivalent size would reduce the overall impact of visual clutter in the area.
6. To the west of the appeal site, at the time of my site visit two three-storey blocs of flats were under construction on a former car park site facing City Road under a planning permission granted in 2018¹. When complete, these will introduce a new residential element into this part of the streetscene. However, the area will nevertheless retain a mixed commercial character in keeping with its edge of town centre setting, and the proposed advertisement would not be incongruous in those circumstances. The digital display would face east at 90 degrees to City Road with its rear towards the new flats, and there would be no

¹ LPA reference: 63096/FUL

harmful impact on the amenity of occupiers of the new blocks of flats arising from the operation of the display.

7. The National Planning Policy Framework (the Framework) advises at paragraph 132 the visual character and quality of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various locations on City Road, Glebedale Road, and Fountain Street (across City Road to the north) I am satisfied that, subject to control of the illumination of the advertisement, the proposed display would not stand out as an incongruous, intrusive or dominant feature within the street scene and it would not, in the Framework's terms, be poorly sited or designed. Accordingly, I conclude that there would be no harm to the visual amenity of the area.

Other Matters

8. The proposed advertisement would be readily visible to drivers approaching the signalised junction of City Road and Glebedale Road from the east. I note that the Council's highways commented that they had some concerns that the advertisement could be a distraction to drivers, although the planning application was not refused on safety grounds. To my mind, subject to the use of suitable conditions in respect of the operation of the display, I am satisfied that the advertisement would not distract drivers to an extent which would be harmful to public safety.
9. The appellant has sought consent for a period of ten years, in view of the costs of site remediation and the initial installation. While I have been provided with no further information about the extent of these costs, neither is there any evidence before me which indicates that a longer consent would be unacceptable. The consent is therefore for the ten year period as applied for.

Conditions

10. As well as the five standard conditions set out in the regulations, I have imposed additional conditions based on those suggested by both main parties. A condition defining the approved plans is necessary in the interests of certainty (1). Conditions in respect of illumination and the control of use of the display are necessary in the interests of amenity and public safety (2–7). Finally, a condition requiring the existing panels to be removed before the new display can be brought into use is necessary in the interests of visual amenity (8).

Conclusion

11. For the reasons given above I conclude that, subject to conditions, the display of the advertisement would not be harmful to amenity. The appeal is therefore allowed.

M Cryan

Inspector