



Appeal Decision

Site visit made on 12 October 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021.

Appeal Ref: APP/M3455/Z/21/3277853

Land at Hartshill Road, near Vale Street, Stoke-on-Trent ST4 7QT

- 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 Paul Hardy (of Vivid Outdoor Media Solutions Limited) against the decision of Stoke-on-Trent Council.
 - The application Ref 66685, dated 6 May 2021, was refused by notice dated 11 June 2021.
 - The advertisement proposed is described as 'Replacement of existing wooden 48-sheet billboard (3m x 6m) with new 48-sheet digital advertisement (3m x 6m)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed digital advertisement on the amenity of the surrounding area, having regard to its location within the Stoke Town Conservation Area (the CA).

Reasons

3. The appeal site is located close to the centre of Stoke in a mixed area with small-scale commercial development and shops, and a car-hire garage and forecourt in close proximity. There are also residential properties nearby and above a terrace of shops on the other side of Hartshill Road. The site is adjacent to the end of a terrace of mixed commercial properties. Buildings in the vicinity are mainly 2-3 storey.
4. The site is also within the CA, albeit close to its boundary on Vale Street. Consequently, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA.
5. The CA reflects the economic, industrial and social development of Stoke as one of the towns making up 'The Potteries' evidenced from the nearby Spode factory site I saw on my visit. I also observed that Hartshill Road was a main route through the town centre, which the Council's CA appraisal¹ describes as being a strong and important retail and commercial axis within the town and the CA. I saw the area was somewhat run-down with graffiti and the parcel of land beneath the advertisement on the corner of Vale Street was unkept. The Council acknowledges there are signs of decline in the area and the CA appraisal identifies the unkept land as a 'gap' site and a detractor.

¹ Stoke Conservation Area Appraisal – June 2014

6. The proposed LED digital advertisement would be a similar size to the existing non-illuminated wooden hoarding and frame it would replace. It would also occupy the same location approximately 2.5 metres above the ground and sit above existing timber fencing. The digital display would show static images that would change on rotation about every 10 seconds, with the interchange between each image being almost instantaneous. The digital display would be controlled remotely, and would be linked to sensors which detect external lighting levels and automatically adjust the display's brightness. Luminance levels would operate within industry guidelines². However, the appellant is willing for brightness levels to be conditioned to not exceed 600 cd/m², and to be reduced to 300 cd/m² between the hours of 1900 and 2300 hours, and for the illumination to be switched off between the hours of 2300 and 0700.
7. Being on an open corner, the advertisement would be prominently located in the street scene. It would also directly face road-users and passers-by approaching from the north towards the town centre and entering the CA. As Hartshill is on an incline, there are elevated views of the CA and parts of Stoke beyond, including the tower of St Peter's Church and the kiln from the now-closed Spode pottery factory, which appear in the appellant's photographs.
8. The proximity of the LED digital advertisement to these historic views, together with the lack of large-scale buildings and development and other comparable illuminated advertisements in the immediate vicinity, would make the proposed digital advertisement unduly prominent, visually incongruous and hence stand out far more than any other feature in this part of Hartshill Road. There is some existing illuminated signage on the nearby car-hire garage, but this is small-scale, set back from the road and confined to the garage forecourt and fascia.
9. There are street lights close to the sign that indicate to me that the area is relatively well-lit. Nonetheless, the digital advertisement would emanate light from a large vertical surface that would be bigger, much brighter and more conspicuous than the existing non-illuminated wooden advertisement. This would be further compounded by the frequently changing images. The road may well be busy with changing factors such as buses moving with advertisements on their sides. However, these are of a different size and scale and are not digitally illuminated. I do not accept that a good 'bill-poster' pasting a new poster image in under half an hour, once every few weeks or months constitutes a changing street scene comparable to the proposed multiple 10-second changing digital images in a day.
10. The advertisement display would also be angled and face towards the residential flats above the nearby terraced row of shops on the other side of Hartshill Road (Nos. 31-39). The bright display and frequently changing images would catch the eye and be a distraction and unduly intrusive to occupiers. Even with street lights nearby, the suggested conditions would not, in my view, sufficiently mitigate against the changing images and brightness during the remainder of the day. I also saw residential properties nearby in Honeywall that are elevated above the appeal site that would look down towards the advertisement. Whilst further away, these residences would also likely be affected by the bright and changing digital images.

² The Institute of Lighting Professionals' Lighting Guide

11. The Council acknowledges in its CA appraisal that Hartshill Road has the potential to be an attractive approach into the town centre but the vacant brownfield site at the corner of Vale Street detracts from this approach. I am advised that the area is to receive some £4 million of investment from the Council and Historic England to improve the appearance of the area. I have no details of exactly what form the improvements will take or how the appeal site and its immediate vicinity will feature in them. However, the amount of money, the involvement of a public body and the Council's Conservation Officer's objection indicates to me that the presence of a large digital advertisement would not be in keeping with aspirations for the area, even if a digital advertisement would stay neater and tidier than the existing one with no tatty, ripped or faded posters.
12. Whilst the existing wooden advertisement may have been in place for a number of years without objection, the proposed digital display would be a significant material change to what is currently displayed. The thrust of the guidance in the Planning Practice Guidance³ and its general examples is that an advertisement may be suitable for one site but not another, depending on the local characteristics of the area.
13. The Council's example appeal decisions are for proposals in different towns and are therefore not directly comparable. However, the most relevant is for a digital advertisement to replace a non-illuminated hoarding on the end of the terrace 31-39 Hartshill Road⁴, on the opposite side of the road to the appeal site. Even though it shares part of the street scene, locational differences apply and that hoarding was located outside the CA. I note that Inspector concluded, as I have done, that the visual amenity of the area would be adversely impacted.
14. I note the appellant's comments about consistent decision-making. The appellant cites locations in Stoke where digital advertisements have been allowed. I have no further details of these or their context and so cannot comment further. However, it does illustrate that the Council has allowed digital advertisements in locations it deems appropriate where there would be no harm to public safety or amenity⁵. The examples given by both parties do not provide justification or set a precedent to allow an advertisement that causes harm to amenity. In any event, I must consider the individual circumstances and merits of the appeal proposal before me.
15. The advertisement would be of a similar size to the existing wooden hoarding. However, its method of digital LED illumination with the resulting brightness and frequently changing images would be unduly prominent and visually incongruous in the street scene, having regard to the local characteristics of the area and the site's location within the CA. The advertisement would also be intrusive to neighbouring residents. This leads me to conclude that the proposed digital advertisement would materially and unacceptably harm the amenity of the area. This would be contrary to the National Planning Policy Framework (the Framework), which seeks to control advertisements in the interests of amenity.

³ Paragraph: 079 Reference ID: 18b-079-20140306

⁴ Appeal ref: APP/M3455/Z/20/3253417 dated 22 September 2020

⁵ The Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety.

Other Matters

16. I appreciate that a digital advertisement would necessitate fewer trips to the site to replace the paper posters, and the LEDs have a long service life and are recyclable afterwards. Hence there would be some efficiency and environmental benefits of reducing energy and waste, and help meet the aims of sustainable development set out in the Framework. I am advised that the technology would make advertising for local advertisers, companies and businesses more cost-effective, accessible and help boost local economic prosperity for the city. However, any consent would not be able to control that local businesses had opportunities to advertise, so any local economic benefits could not be assured. I accept that the digital advertisement could be used to display local messages or emergency safety information if necessary, giving the digital advertisement greater flexibility over its wooden counterpart. Laudable as these factors are, they are not unique to this appeal and do not outweigh the harm to amenity I have identified.

Conclusion

17. For the reasons above I have found the proposed digital advertisement would be harmful to amenity. For these reasons the appeal is dismissed.

K Stephens
INSPECTOR