



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/M3455/Z/21/3278181

Land at Hulton Street, Hanley, Stoke on Trent ST1 6AU

- 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 Ben Porte of Clear Channel UK Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 66211, dated 18 January 2021, was refused by notice dated 4 June 2021.
 - The development proposed is installation of 2no 48-sheet D-Poster displays with vertical meadow green walls.
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Decision

1. The appeal is allowed and express consent is granted for the display of 2no 48-sheet D-Poster displays with vertical meadow green walls as applied for. 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 displays shall only display static images and shall not display any moving, animation, flashing, scrolling or video images or successive individual images that do not display the whole message.
 - 2) No individual image shall be displayed for a duration of less than 10 seconds and the change between images shall be no less than 0.1 of a second.
 - 3) The luminance of the advertisements hereby permitted shall comply with the levels and recommendations set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05 2015) or any document amending or superseding that report. The level of luminance of the advertisements shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits.
 - 4) The advertisement displays hereby permitted shall be switched off between the hours of 0000 and 0500.
 - 5) The advertisement displays shall include a safety mechanism that will turn the screens off and show a black screen in the event of a malfunction or error.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a

different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

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

Reasons

4. The site is formed of a raised plinth located on a grassed section on Hulton Street - a slip road leading off Town Road which is a wide and busy thoroughfare. Hulton Street and the northern side of Town Road is commercial in nature including large scale office developments and is not devoid of commercial signage. On the opposite side of the road are two storey dwellings.
5. The proposed advertisement display would comprise two 48 sheet digital displays arranged in a V shape sitting on top of a plinth with a green wall underneath. It would be visible to users of the carriageway, footways and dwellings opposite.
6. The display would be visible over distance, but this would be in the setting of the wide road corridor and against a backdrop of existing commercial built form, street furniture, fascia signs and building mounted logos. Despite its elevated position it would sit comfortably against the scale of nearby buildings and within the commercial street scene.
7. I acknowledge that the proposed display would be visible from dwellings on the opposite side of the road. However, given the separation distance and the orientation of the panels, the display would not be visually intrusive when viewed from these properties. Conditions limiting the hours of operation and luminance would safeguard resident's outlook.
8. Advertisement displays by their very nature are meant to be noticeable and draw the eye. They are also a common feature in urban locations and, as proposed, on a busy commercial thoroughfare would not result in a prominent feature unduly affecting the appearance of the area.
9. As such, I am satisfied that it would not appear as an incongruous, obtrusive or overly dominant feature in the street scene. Accordingly, the proposed advertisement displays would not harm the amenity of the area.

Other Matters

10. The Council has made reference to a number of other decisions which they suggest are relevant to this appeal. However, based on the limited information presented I am not satisfied that they are comparable to the scheme before me. As such, these decisions do not lead me to reach a different conclusion. In any event every appeal must be considered on its own merits as I have done.
11. The appeal was not refused on public safety grounds and I note that the Council's highway officer's have not objected to the proposal. There is no evidence before me to lead me to reach a different conclusion. Therefore, I am satisfied that the proposed advertisement displays would not adversely affect public safety.

Conditions

12. In addition to the 5 standard conditions, I have also imposed conditions as suggested by the appellant, to require a cut out in the event of malfunction, to ensure that images remain static and to control the level and hours of luminance. They are necessary to safeguard public safety and in the interests of amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

Conclusion

13. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR