



Appeal Decision

Site Visit made on 22 November 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/W0734/Z/21/3272495

Land at CB Construction, North Ormesby Road, Visible from A66 flyover, Middlesbrough TS4 2AG

- 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 Richard Page of Wildstone against the decision of Middlesbrough Council.
 - The application Ref 20/0533/ADV, dated 11 September 2020, was refused by notice dated 11 February 2021.
 - The advertisement proposed is conversion of existing 96-sheet advertising display to two digital 48-sheet advertising displays.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety in relation to road users.

Reasons

3. It is apparent from my site visit that the appeal site is located adjacent to the heavily trafficked A66 which has a speed limit of 50mph with a slip road junction near the appeal site.
4. The proposal would replace an existing advertisement with digital advertisement displays of reduced size but with similar setback and offset positioning. Whilst the A66 in this location is relatively straight and level with a typical slip road junction nearby, there is a level of concentration required by motorists to navigate the road arrangement with speeds of vehicles being up to 50mph. The introduction of illuminated digital advertisement displays would be a dominant feature that would be visually prominent when viewed on approach along the A66.
5. The proposed advertisements would remain static, two dimensional and have 10 second sequential image update switching at a speed of 0.1 seconds or less, as well as luminance levels meeting best practice guidance including being limited to 300cd/sqm at night and replicating ambient conditions in real time. However, the luminance and changes in images would still have the potential to create visual confusion that could lead to motorists, in this location, being distracted and thus posing a threat to other road users.
6. My attention has been drawn to Crashmap information and a number of vehicle related incidents that were within close proximity of the advertisement. There

is insufficient evidence before me which indicates the exact reasoning for these incidents and that the presence of the existing advertisement causes any problems. The number of recorded incidents within close proximity of the appeal site does demonstrate that the road network in the area cannot be considered as relatively safe.

7. I have had regard to the appellants statement of case and appendices including examples of other advertisements at Kilmarnock, Stoke-on-Trent, Rochdale and Bolton. Insufficient information has been provided on these other advertisements and I cannot be sure that they represent a direct parallel with the appeal scheme, particularly with regards to location and highway network arrangements. In any case, I have determined this appeal on its own merits.
8. Accordingly, the proposal would have a harmful effect on public safety in relation to road users. The proposal would be contrary to Policy DC1 of the Middlesbrough Local Development Framework Core Strategy 2008 and the National Planning Policy Framework (the Framework) which seeks proposals to have no impact on highway safety.

Other Matters

9. The proposed advertisement would not have any adverse effects in terms of amenity. This matter, however, would not outweigh the harm I have identified with regards to public safety.

Conclusion

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
11. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR