

Appeal Decision

Site visit made on 13 April 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/M3455/Z/22/3293455

Land at West Side of Stone Road, Hanford, ST4 8NS

- 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 City Council.
 - The application Ref 67522, dated 17 December 2021, was refused by notice dated 18 February 2022.
 - The advertisement proposed is the replacement of 3no existing illuminated 48-sheet advertisement displays with 2no illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is allowed and consent for the display of 2no illuminated 48-sheet digital advertisement displays as applied for is granted. The consent is for 10 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 advertisement displays shall be installed in accordance with the following plans: Drg Nos T4661 A4 050, T4661 A4 051, T4661 A4 060 and T4661 A4 061.
 - 2) The maximum luminance of the advertisements shall not exceed 300cd/m² during darkness (dusk to dawn).
 - 3) The luminance levels of the displays shall be controlled by ambient environmental controls which will automatically adjust the brightness levels of the screens to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the displays is maintained at set levels.
 - 4) The minimum display time for each advertisement shall be 10 seconds and the advertisements shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
 - 5) The interval between successive displays shall be 0.1 second or less and the complete display screen shall change without visual effects (including, swiping or other animated transition methods) between each advertisement.
 - 6) The advertisements 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.
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- 7) The advertisements shall include controls to ensure smooth uninterrupted transmission of images.
- 8) The sequencing of messages relating to the same product is not permitted.
- 9) If the installations break down or are not in use, they shall default to a plain, black screen.

Main Issue

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

Reasons

3. The appeal relates to a parcel of land that fronts on to the west side of Stone Road (A34) with a bus stop and bay immediately in front. Behind the site is a storage yard associated with a trailer hire business. There is a traffic signal-controlled junction immediately adjacent to the site at the point where Mayne Street joins the east side of Stone Road, which has double-width carriageways in both directions running north and south. There are dwellings opposite the appeal site at Nos 13-39 (odd) on the east side of Mayne Street which runs almost parallel to Stone Road. These have fairly deep front gardens and the dwelling's front elevations are separated from the appeal site by around 50m.
4. According to the appellants, the appeal site was previously granted advertisement consent for the display of three, externally illuminated 48-sheet advertisement displays in 1989 (Ref 02591/AD). At the time of my visit only one display was left standing and was non-illuminated, with the site appearing somewhat derelict and uncared for. The remaining display stood at the southern end of the site and was angled facing north-east. The former position of the other two was evident to see at the northern end as having been arranged in a 'V-formation' angled facing north-east and south-east respectively. The proposal would see two new internally illuminated static 48-sheet digital displays with the sequence of advertisements changing on rotation every 10 seconds with one erected at either end of the site facing north-east and south-east towards the highway respectively. They would occupy the approximate position of two of the former displays and would each measure approximately 6m wide and 3m high and would be mounted around 2m above black painted timber plinths.
5. The Council describes the area as predominantly residential in character. This does not reflect my own observations. The site is obviously visually associated with the commercial use that sits behind it and which would have been partially screened by the past advertisements. When seen in the approach along Stone Road heading north, the site is seen within the immediate context of the signal-controlled junction and viewed against the backdrop of the business premises north of the appeal site. Within the wider aspect from this position the presence of a petrol filling station on the opposite side of Stone Road, together with its range of associated advertisements, is prominent. The dwellings directly opposite the appeal site are evident, but due to their distance and the context of their setting within the highway arrangement at this point they are not seen as dominant. When travelling south along Stone Road in the opposite direction, these dwellings have an equivalent restrained presence. Although there are dwellings directly along the east side of Stone Road beyond the junction with Mayne Street, the site is clearly seen to be forward of these and

viewed principally against a backdrop of the open land that lies further beyond on the west side of the road. My impression overall is that the site occupies space within an area of mixed uses and character. I find the previous use of the land for advertising purposes neither surprising nor out of keeping.

6. The proposed displays would be of a size and siting that would be consistent with the previous displays and appropriate in their setting. The Council is concerned that the LED digital displays with intermittent changing images would make the advertisements appear unduly bright and conspicuous. However, changing digital displays are not uncommon. The appellants point out that the images would be clear and that their level of brightness would be controlled by light sensors to be constant in the changing light conditions of the day. It was evident to me that the location would be neither dark nor poorly lit after sunset. During night-time the luminance of the displays would be limited to a maximum of 300cd/m², which is the level recommended by the Institute of Lighting Professionals in their Technical Report No 5 for advertisements of this size within a suburban location. I am not persuaded by any substantive evidence from the Council that the displays would stand out as exceptionally bright lit objects. Neither do I consider that the changing images would render them unacceptably conspicuous given the actively moving trafficked environment within which they would be set.
7. The displays would potentially be seen in the outlook from the houses opposite but due to the angle of the signage, there would be no direct interface between them. Given also the significant distance between the houses and the site, across six lanes of highway including over a main traffic route with signal controls, I am satisfied that there would be no harmful impact on the amenity of any residents opposite, either along Mayne Street or those to the east side of Stone Road.
8. Paragraph 136 of the National Planning Policy Framework 2021 (the Framework) advises that the visual quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along Stone Road and opposite along Mayne Street, I am satisfied that, subject to control of the illumination of the advertisements, the proposed displays would not appear as poorly sited or designed within the street scene. Accordingly, I find that there would be no harm to the visual amenity of the area.
9. The Council has directed me to three appeals for similar proposals elsewhere in the country where the appointed Inspectors each concluded that the appeals in those cases should be dismissed. On the other hand, the appellants have directed me to a case more locally where the Inspector concluded that the appeal should succeed. I do not have full knowledge of all the circumstances or the evidence that was before each of the Inspectors in these other examples. What they do serve to demonstrate however is that each case is different and that each appeal falls to be considered on its own merits.

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.
11. A condition defining the approved plans is necessary as this provides certainty. Conditions (Nos 2-9 above) in respect of illumination and the control of use of the displays are necessary in the interests of amenity and public safety.

Conclusions

12. For the reasons given, I conclude that, subject to conditions, the display of the advertisements would not be harmful to amenity. The appeal is therefore allowed
13. The appellants have sought consent for a period of ten years in view of the costs of installation, including substantial foundations to support the panels, the total removal of existing panels and fencing, and provision of new fencing. I have not been provided with any further information about the extent of these costs but neither is there any evidence to indicate that a consent for a period of ten years would be unacceptable. The consent is therefore for the ten-year period as applied for.

John D Allan

INSPECTOR