
Appeal Decision

Site visit made on 20 July 2022

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2022

Appeal Ref: APP/M3455/Z/21/3285172

Advertising right flank wall to 599 High Lane, Burslem, Stoke on Trent

- 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 Wildstone Group Ltd against the decision of Stoke-on-Trent Council.
 - The application Ref 66328, dated 17 February 2021, was refused by notice dated 25 August 2021.
 - The advertisement proposed is an upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the advertisement 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 advertisement hereby approved shall operate at an illumination level no greater than 600 cd/sqm during daytime hours and 150cd/sqm during the hours of darkness.
 - 2) The display shall not be illuminated between the hours of 22.00 and 06.00 on any day.
 - 3) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
 - 4) There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 5) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Procedural Matter

2. In accordance with the National Planning Policy Framework (the Framework)

and the Regulations¹, my consideration of this appeal is confined to the issues of visual amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issue

2. The Council raise no concerns regarding public safety. I have no reason to disagree. Therefore, the main issue in this case is the effect of the proposal on visual amenity.

Reasons

3. The appeal proposes the replacement of an existing free standing 48 sheet illuminated advertisement with a 48-sheet digital advertising display with the same size display area. Advertisements would remain illuminated, static and two dimensional whilst incorporating an automated 10 second sequential update.
4. The site is located to the side gable of No. 599 High Lane, Burslem, a property in commercial use at ground floor and residential use on the first floor. I observed on my site visit that High Lane is a busy road and also a bus route. Whilst the appeal site lies in a small parade of shops with a supermarket and chip shop, the area is generally residential in character.
5. The existing advertisement is non illuminated. The shops and commercial uses in the immediate vicinity have illumination to their fascias and signage but this is generally low level and discreet. In this context the proposed digital display would appear modern and as a result of its design and brightness, may draw the eye a little more than the existing sign, particularly when it is first introduced. However, this location has an existing advertisement of the same size and overall, I consider it would not appear obtrusive or out of character in the area given the commercial nature of the immediate vicinity.
6. Residential properties close to the appeal site do not have a direct view of the advertisement but there is the potential for the digital display to affect the amenity of occupiers, particular at night. I am aware that level of illumination can be controlled. The commonly accepted level of illuminance at night is a maximum of 300 candelas per square metre. The appellant has expressed a willingness to accept 150 candelas per square metre and also a night-time curfew between 22.00 and 6.00 hrs. I consider that a restriction on illuminance levels at night and controls on the hours of operation would be appropriate in this context.
7. Overall, with the above restrictions secured by planning conditions, I am satisfied that the proposed advertisement would cause no harm to the visual amenity of the area. I note that the Council have no specific policies in the Local Plan to control advertisements. Accordingly, the proposal would comply with paragraph 136 of the Framework which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Other matters

8. I accept that a digital display has environmental benefits in terms of reducing the number of trips to repost the site and the reduction in waste associated with the production process of the posters. It may also have social benefits in that the display can be used for non-commercial purposes eg charity campaigns, emergency messages. These factors weigh in favour of the scheme.
9. The appellant and the Council have drawn my attention to a number of appeal decisions for similar digital displays with differing outcomes. Whilst I have taken these into account, I have determined the appeal scheme on its individual merits.

Conditions

10. I have considered the conditions suggested by the Council and the appellant in light of the guidance in the Framework. I have amended the wording of conditions where necessary in the interests of precision. In addition to the five standard conditions set out in the Regulations, as discussed above, I attach conditions to limit the illuminance to no greater than 600 candela/sqm during the daytime and 150 candela/sqm in the hours of darkness and to restrict the hours of illumination to between 06.00 and 22.00hrs. These are required to safeguard the visual amenity of the area.
11. In the interests of amenity and public safety, conditions controlling the minimum display time for an image of 10 seconds, the use of special effects such as animation, flashing images or scrolling nature of the displays, and the interval between successive displays are necessary.
12. The Council suggested a condition to identify the approved plans. However, having regard to the nature of the proposal I do not consider this to be necessary.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Helen Hockenhull

INSPECTOR