



Appeal Decision

Site visit made on 23 June 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2022

Appeal Ref: APP/H0724/Z/22/3295411

Land at Metropolitan Park, Hartlepool TS24 0XR

- 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 Hartlepool Borough Council.
 - The application Ref: H/2021/0553, dated 2 December 2021, was refused by notice dated 15 February 2022.
 - The advertisement proposed is described as: Two illuminated digital poster advertising displays each measuring 6m x 3m mounted on a steel support structure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that control over the display of advertisements shall be exercised in the interests of amenity and public safety. This is reiterated in the National Planning Policy Framework (the Framework), and in the Planning Practice Guidance (the PPG).

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed advertisements on amenity; and
 - The effect of the proposed advertisements on public safety, with particular regard to the railway network.

Reasons

The effect on amenity

4. The appeal site is located within a car park associated with a cinema and restaurant located in a commercial area in central Hartlepool. North of the appeal site is a modern commercial area adjacent to Hartlepool Marina. To the south of the appeal site is a railway line serving Hartlepool railway station which is separated from the car park by a steel palisade fence and a high brick wall. This brick wall lies within the Church Street Conservation Area which is located largely to the south of the railway line and comprises the railway station, Church Street and short stretches of several streets running perpendicular to it. This area forms part of the historic centre of Hartlepool. The most prominent building in the conservation area is Christ Church in Church Square which is a Grade II* listed building [List entry: 1250112] now

used as an art gallery. Just to the west of Christ Church are the Grade II listed Former Municipal Buildings [List entry: 1250113]. These listed buildings form an important component of the appearance of the conservation area.

5. To the north west is the A689 road which passes over the railway on a concrete bridge with red brick abutments. To accommodate the change in ground level between the car park and the A689, a wide grassed embankment above a low concrete retaining wall runs between the car park and the carriageway level. The A689 is a busy main thoroughfare with dual carriageways that runs from north to south through central Hartlepool and the southern part of the town before eventually linking with the A19 some distance to the south west.
6. The appeal proposal consists of the installation of two, 6 metre by 3 metre (6.4 metres by 3.4 metres to the outer edge of the frame around the screen) illuminated, light emitting diode, panels mounted to each side of a support pole 8 metres high to the base of the advertisement screen, resulting in an overall height of 11.4 metres above the level of the car park. The advertisements would display a range of static images, with the display changing approximately every 10 seconds.
7. The advertisements would be sited so as to be primarily visible to motorists on the A689. However, due to the openness of the surrounding area and the height of the advertisements and their supporting structure, they would be visible from other publicly accessible locations, although not square on.
8. I saw when I visited the site that the buildings within the conservation area, and particularly Christ Church with its prominent tower, form an attractive visual backdrop in views from the north on the A689 and that this is visible from some distance to the north of the appeal site. One face of the proposed advertisements would be clearly visible against this backdrop due to its freestanding nature and degree of separation from the structure of the road bridge.
9. I also observed that the proposed advertisement would be visible in views out of the conservation area, particularly from Church Square from where the whole of the advertisement and its supporting structure would be seen. In these views little or none of the commercial context of Metropolitan Park is visible and the advertisement would appear as an incongruous, high level, feature. This would be exacerbated by the illumination, particularly at night.
10. Due to the width of the embankment between the base of the support structure and the carriageway there would be a visual disconnection between the advertisements and the road, and the advertisement would appear to 'float' some distance from the highway.
11. The proposed advertisements would also be prominent to users of the car park associated with the cinema and from the park and ride facility adjacent to the railway station. The freestanding nature of the advertisements, their height, and the lack of visual relationship with any other structures would be particularly apparent from these locations.
12. This combination of factors would result in a jarring appearance that would be inconsistent with the surrounding context and would be harmful to the visual amenity of the area.

13. Although I have had regard to the appellant's point that the surrounding area is primarily commercial in nature and that the PPG sets out that large scale advertisements may be accepted in an industrial or commercial area in a major city where there are large buildings and main highways, this does not necessarily mean that they are acceptable in all commercial or roadside locations.
14. I have also noted the Council's points in respect of the effect on the conservation area and the setting of the listed buildings. The appeal site is close to the boundary of, but not within the conservation area. I would agree with the Council's assessment that the significance of the conservation area, in so far as it is relevant to this appeal, is derived from its aesthetic value derived from the architectural detailing within the area; its historic value arising from the development of Church Street area as one of the principal roads in the development of West Hartlepool; and its communal value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday. However, I have no substantive evidence from either party of the contribution that the setting of the conservation area makes to understanding its significance.
15. In this case, from what I saw when I visited the site, modern developments in the area such as the formation of surface level car parks and the concrete road bridge have resulted in that part of the setting of the conservation area where the appeal site is located having been much altered. Consequently, in this case, the setting makes little or no contribution to the understanding of the conservation area. In this context, the proposed advertisements would not cause harm to the significance of the conservation area. Nevertheless, this does not diminish the contribution that the conservation area, the buildings within it, and the spaces they enclose make to the overall visual amenity of the area.
16. Similarly, due to the degree of separation of the appeal site from the listed buildings, the advertisements would not fall within their immediate setting, although they would be within the wider setting of Christ Church, which due to its prominent tower is visible over a wider area. That said, as set out above, modern developments within the wider setting have significantly altered it and again the wider setting makes very little contribution to understanding the significance of the church or the former municipal buildings. Although the proposal would not directly cause harm to the setting of the listed buildings, as before, this does not diminish the contribution they make to the overall visual amenity of the area and the lack of specific harm to the significance of the heritage assets does not alter my conclusion in respect of visual amenity when taken in the round.
17. I therefore find that the proposed advertisements would cause harm to the amenity of the area. I have taken account of policies QP4, QP8, NE7, HE1 and HE3 of the Hartlepool Local Plan 2018 (the Local Plan). When read together these seek among other matters to ensure that development is of a high standard of design, particularly along important transport corridors, has regard to its context and does not harm visual amenity, and preserves heritage assets, and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with policies QP4, QP8 and NE7, notwithstanding that as I have not found specific harm to the heritage assets, the proposal would comply with Policies HE1 and HE3.

Public safety

18. The proposed advertisements and their supporting structure would be located in proximity to a railway line that runs into the nearby Hartlepool railway station. A steel palisade fence joined to a high brick wall separates the cinema car park from the railway land.
19. The appellant states that the Planning Practice Guidance sets out a number of ways in which advertisements can interfere with railway safety. I have noted the point that these primarily relate to interference with visibility of signals, signs, or level crossings, or causing confusion with signals or warning lights. The Planning Practice Guidance adds context to the Framework and provides guidance in determining applications. However, Regulation 3(2)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome, in addition to whether the display of the advertisement is likely to obscure, or hinder, the ready interpretation of among other things railway signals. Consequently, the consideration of public safety is not limited to those criteria set out in the PPG.
20. Network Rail has raised concerns that the proposed scheme is within topple distance of the operational railway boundary, meaning that should the structure collapse, it could potentially breach the railway boundary, resulting in damage, delays, and accidents. Network Rail have advised that the topple distance would be the total height of the structure plus 3 metres. Structures rarely fall on the spot and the additional distance above the overall height allows for safe clearance in addition to accounting for wind loading. The proposed advertising screens would be 3.4 metres in height and mounted on an 8 metre high support pole, giving an overall height of the structure of 11.4 metres. The topple distance of the structure would therefore be 14.4 metres.
21. The appellant's measurements set out that the distance from the base of the monopole to the fence line marking the railway boundary is 11.1 metres and the distance to the edge of the platform adjacent to the track is a total of 15.4 metres. Consequently, the appellant is incorrect to state that network Rail's topple distance would be complied with and that, if the structure fell in the direction of the railway, it would fall entirely within the landlord's demise as both the overall height of advertisement and its supporting structure, and the topple distance of 14.4 metres, exceed the distance to the fence. Whilst a fall in this direction may not result in the structure obstructing the track itself, it would, nonetheless, breach the railway boundary and result in a hazard.
22. I have noted that the Highway Authority have not raised any objections to the proposal on the grounds of highway safety or impact on the road network, and from what I have read and what I saw when I visited the site, I have no reason to find otherwise. However, this does not alter my conclusion on this issue.
23. I therefore conclude that the proposed advertisements would cause harm to public safety. I have had regard to Policy QP8 of the Local Plan which expects advertisements to be appropriately located and have regard to their impact on public safety and so is material in this case. Given I have concluded that the proposal would cause harm to public safety, the proposal would conflict with this policy. The reason for refusal also refers to Local Plan QP4. However, this is a generic design policy that does not relate specifically to advertisements or

public safety and, consequently, I do not consider that it is relevant to this issue.

Other Matters

24. The appellant has requested that consideration be given to a split decision in the event that one advertisement may be acceptable. However, allowing only one digital advertisement would result in the blank rear of the panel being visible in one set of views which would be an incongruous skyline feature on one of the principal routes through the town. This notwithstanding, as set out above the proposed advertisements would be harmful to amenity in the area as a whole when viewed from multiple locations, and this could not be remedied or mitigated by removing one advertisement.

Conclusion

25. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR