
Appeal Decision

Site visit made on 26 October 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/H0738/H/22/3301782

Mile House, Durham Road, Stockton-on-Tees TS19 9AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by James Harley of Cliff Court (Redcar) Developments Ltd against Stockton-on-Tees Borough Council.
 - The application Ref 22/0437/ADV is dated 17 February 2022. The advertisement proposed is a 4 metre multi brand totem sign.
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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 development hereby permitted shall be carried out in accordance with the following approved plans: drawing No 22-120 Rev 2 and drawing No L020089B-001.
 - (2) Notwithstanding the approved plans, the illuminated advertisement, hereby approved shall not exceed a luminance value of 300 cd/m2.
 - (3) The advertisement hereby approved shall not be illuminated outside of the hours of 6.30am to 11:00pm.

Procedural Matters

2. The evidence before me indicates that the advertisement consent application was amended prior to the appeal being lodged in so far as reducing the height of the proposed totem sign from 5 metres to 4 metres. I have therefore determined this appeal on the basis of drawing No 22-120 Rev 2 which shows a proposed totem sign at 4 metres in height. The description of development in the banner heading above reflects this amendment notwithstanding what is described on the advertisement consent application form.
3. This change to the proposal is not significant from a public consultation point of view: no interested party has been prejudiced as a consequence of me determining the appeal on the basis of a proposed sign that is lower in height than shown on the originally submitted drawing.

4. The main parties have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as material planning considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

5. There is no evidence before me to indicate that the proposal would have a detrimental impact on public safety. While this is a failure appeal, the Highway Authority raise no objection to the proposal in this regard. Despite the objection from another interested party, I have no reason to disagree with the findings of the Highway Authority from a public safety impact point of view. The main issue is therefore the effect of the proposal on the amenity of the area.

Reasons

6. The evidence indicates that the appeal site was a former public house and betting shop. I was able to see on my site visit that the site and buildings had recently undergone alterations. This follows an appeal which was allowed in 2021¹ for a drive-through coffee shop and a retail unit. The site is located at a busy cross roads (Darlington Lane and Durham Road) and previously included frontage advertisements, albeit lower in height than proposed and not illuminated. The totem sign would be illuminated and would have a circular 'Starbucks' logo at the top including advertising the 'drive thru' facility and four separate advertisement plates beneath.
7. I recognise that the advertisement would be higher than those that existed on the site when it operated as a public house. Nonetheless, it is not uncommon to see totem signs of this nature relating to a commercial site which would attract the attention of passing motorists who may not be familiar with the site, or indeed the range of facilities on offer. In principle, I see that there is merit in providing a range of advertisements within one sign as this has the potential to reduce advertisement clutter across the site. Indeed, the appellant's evidence is that similar totem signs have been permitted for a McDonalds and Tesco Extra on Durham Road, about 1.3 km from the appeal site, where some residential development is also nearby.
8. In this case, the advertisement would be positioned on a site where there is plentiful space around the building. It would not be immediately next to residential properties. I find that owing to its position, scale and appearance, the four metre high totem sign would not look incongruous in the locality and would relate appropriately to the associated commercial use of the appeal site. Despite the objection from a third party, I do not find that the proposal would cause any material harm to the living conditions or amenity enjoyed by nearby residents.
9. I accept that the advertisement would be taller than previous advertisements on the site, but nevertheless it would not be a dominant addition to this urban landscape and would be seen and appreciated by passers-by against the background of mature trees that exist at this busy cross roads junction.

¹ Planning appeal ref APP/H0738/W/21/3280308

Furthermore, the colours proposed for the advertisement would not be brash and would suitably blend with those used on the appeal building. The inclusion of a condition that restricts illumination during late evening and into the early morning would ensure that the proposal was not appreciated as an unacceptably distracting or harsh addition in the environment during periods of darkness.

10. I note that the proposed advertisement would include a timer so that its illumination switches off automatically when Starbucks closes and that it would have a dusk to night sensor and so would not always be illuminated. I am satisfied that illumination would be acceptable and, in this regard, there would be no material harm caused to the character and appearance of the area or to the living conditions of the occupiers of nearby residential properties.
11. I acknowledge that the LPA would prefer to see a smaller advertisement as per that at Ingleby Barwick, but in this case I find that it is reasonable that the advertisement is of a sufficient size/height to attract the attention of passing motorists: this would be achieved without harm being caused to the character and appearance of the area.
12. For the collective reasons outlined above, I conclude that the advertisement would not cause harm to the amenity of the area. It would accord with the amenity requirements of policies SD1 and SD8 of the Stockton-on-Tees Borough Council Local Plan 2019, the Council's Shop Fronts Design and Advertisements SPD 2013, and paragraph 136 of the National Planning Policy Framework 2021.

Conditions

13. Express consent is granted for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations. For the avoidance of doubt and in the interests of certainty, it is also necessary to impose a condition relating to the approved drawings. In the interests of highway safety, it is necessary to impose a luminance condition. In the interests of character and appearance of the area during times of darkness, it is necessary to include a condition that restricts when the advertisement can be illuminated.

D Hartley

INSPECTOR