



Appeal Decision

Site visit made on 27 February 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/H0724/Z/23/3314195

Adjacent 107 Park Road, Hartlepool TS26 9HR

- 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 Clear Channel UK against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0355, dated 8 September 2022, was refused by notice dated 15 November 2022.
 - The advertisement proposed is described as the upgrade of an existing 48-sheet advert to support digital poster with illuminated 48-sheet D-poster (digital) display.
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Decision

1. The appeal is allowed, and express consent is granted for the upgrade of an existing 48-sheet advert to support digital poster with illuminated 48-sheet D-poster (digital) display, 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 9 additional conditions:
 1. The development hereby approved shall be carried out in accordance with the following plans and details: Dwg No T4733 A4 050 (Location Plan); Dwg No T4733 A4 051 (Proposed Site Plan); Dwg No T4733 A4 060 Proposed Elevations and Dwg No D48-WM (Standard Specifications) received by the Local Planning Authority on 8th September 2022.
 2. The intensity of the luminance of the display unit hereby approved shall be no greater than 2500 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm during the hours of darkness defined as the hours after dusk and before dawn. The illumination of the advertisement shall not at any time be intermittent.
 3. The display unit shall be equipped with a light sensor and control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 4. The display shall include a mechanism to freeze the image in the event of malfunction or default to a black screen to avoid any flashing error message or pixilation.
 5. Images displayed on the approved display unit shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing images and a smooth instant change into the next static image and the complete screen shall change. There shall be no visual effects, including swiping or other animated transition methods between successive displays on the sign.

6. Advertisements shall be a series of static images, which shall not feature any flashing, animation, video or full motion images, images that resemble road signs or traffic signals and moving or apparently moving images of any kind.
7. The use of message sequencing for the same product is prohibited and the advertisement shall not include features or equipment which would allow interactive messages and advertisements to be displayed.
8. The advertisement displayed shall be silent and any audio capability that the display unit has shall be disabled for the duration of its period of display.
9. The existing 48-sheet hoarding sign and any associated infrastructure shall be removed from the site following the erection of the digital advertisement display sign hereby approved as soon as reasonably practicable and to the satisfaction of the Local Planning Authority.

Preliminary Matter

2. The Council has cited the National Planning Policy Framework and Policies QP4 and QP8 of the Hartlepool Local Plan in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

Main Issue

3. In this case the Council has no objection over public safety. The evidence before me and the observations made during my site inspection do not cause me to dispute the Council's assessment in that regard. The main issue is therefore the effect of the appeal proposal on amenity, with particular regard to the character and appearance of the host building and existing street scene.

Reasons

4. The appeal site is an existing commercial property with flats above, situated towards one end of Park Road, nearest to Hartlepool's town centre. This site does not fall within the context of any designated heritage assets. By virtue of its use, the host property has a predominantly commercial character and appearance. This is further emphasised by the existing poster hoarding which is attached to its exposed side elevation. The host property is located at a transitional point where the dwellings and adjoining residential streets which line this key linear gateway route into the town centre change to a prevalence of local businesses and facilities, some with living accommodation above, and their associated signage. Consequently, the appeal site's context has a mixed-use, urban character and appearance.
5. The proposed digital advertising hoarding would replace the existing poster hoarding. It would be sited in a similar position at first floor level and be of similar dimensions. Alike its predecessor, its main receptors would be pedestrians and road users.
6. The host gable elevation is devoid of any notable architectural features which could be obscured by the appeal proposal. Furthermore, by virtue of its size, landscape orientation and positioning relative to the existing eaves height, the resulting ratio of exposed wall to advertisement coverage would be

- proportionate to its host. Moreover, it would be read against the remaining bulk of the host gable.
7. The appeal proposal would be of an LED lit digital poster format which would display multiple advertisements on rotation. The proposed digital display would present static images only and changes between advertisements would take place without rapid changes, sequencing, fading, swiping, or merging of images. Such measures would ensure that any effect of transitioning of imagery is momentary. Diagnostics software would report any faults and turn the content black pending repair. I am satisfied that all of these matters could be controlled by appropriately worded conditions to achieve a display format which would not be jarring with the surrounding well-frequented, mixed-use context.
 8. The appeal proposal's illumination would heighten its presence during hours of darkness. It would however be controlled by light sensors to vary the brightness of the screen according to the ambient lighting conditions up to 300cd/m² at night. This level would not significantly increase luminance in the area above that level currently provided by the existing street lighting and externally illuminated poster hoarding. In view of this, and given its orientation and separation distances involved, the appeal scheme would pose no notable risk of light to filter into nearby residential properties.
 9. Therefore, I am satisfied that there would be no perceivable differential in lighting levels from the appeal proposal to any of its receptors and an appropriate level of light omission would arise for this particular street scene at all times of the day.
 10. Indeed, the design and appearance of the appeal proposal would provide a contemporary advertising solution for the site which facilitates an advertisement which visually, because of the display controls proposed, would not be significantly dissimilar to the poster format that currently exists within this street scene and forms part of its character and appearance.
 11. The balance between the commercial and residential characteristics of this area changes according to the direction of travel along Park Road. The orientation of the host gable means that the appeal proposal would be experienced upon approach in one direction when travelling towards the town centre, against a predominantly commercial backdrop. Crucially, although its presence would be clearly visually evident both day and night within this street scene, the proposed hoarding would be experienced within the context of the existing commercial premises and their associated signage which surround the appeal site and advertisements which are housed within the bus shelter diagonally opposite. Furthermore, the presence of the appeal proposal would be confined to localised vantage points on approach along this route as far back as the junction with Osbourne Road, after which its visibility would be obscured by other buildings along this road.
 12. Overall, whilst visually prominent this would be for a relatively short time in passing. Following my assessment of its design, scale, and siting, I do not find that the particular appeal proposal would represent an overly assertive form of advertising. Neither do I find that it would have an unacceptable domineering visual effect so as to unduly disturb the existing character and appearance of its host and wider context.

13. The installation of a digital display should reduce the number and frequency of maintenance visits to the site. Concerns regarding access for and the effect of the proposed installation and future maintenance on the physical integrity of a neighbouring property are not matters which fall within the scope of this appeal and would not be prejudiced should this appeal succeed.
14. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the host building and existing street scene.

Conditions

15. In addition to the standard conditions for advertisements, including the 5-year display period, the appellant is accepting of conditions which would control the nature, luminance, frequency, and quality of the content to be displayed. These are necessary in the interests of safeguarding existing levels of amenity and public safety. Conditions specifying the approved plans and removal of the existing poster display are necessary in the interests of clarity and amenity, as is a condition to ensure that no sounds are played as part of the advertisement display.
16. The appellant has also indicated that they are accepting of conditions which limit the time during which the display panel is operational. However, in the absence of me finding any harm, that condition is unnecessary and therefore unjustified.

Conclusion

17. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to either public safety or the interests of amenity subject to the conditions set out in paragraph 1 of this Decision. Consequently, the appeal should be allowed.

C Dillon

INSPECTOR