



Appeal Decision

Site visit made on 20 March 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/H0724/Z/23/3316644

Land adjacent to the Raglan Quoit Club, Clarence Road, Hartlepool TS24 8DA

- 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 Mr Warren Milroy (Vivid Outdoor Media Solutions (B) Limited) against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0421, dated 22 October 2022, was refused by notice dated 18 January 2023.
 - The advertisement proposed is the erection and display of a freestanding 48-sheet sized digital LED advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for the display a freestanding 48-sheet sized digital LED advertising unit 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 additional conditions set out in the attached schedule of conditions.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reason for refusal refers to Hartlepool Local Plan (HLP) policies QP4 and QP8. I have taken these policies into account insofar as they relate to amenity.
3. The Council's decision raises no objection to the proposed advertisement display in respect of public safety. Having assessed the proposal, I see no reason to disagree. The main issue in this case is therefore the effect of the digital LED advertising display on amenity.

Reasons

4. The appeal site lies within an area of open grass land adjacent to the flank elevation of the Raglan Quoit Club building. The area of grass land extends southwards along the western side of Clarence Road towards Hartlepool United's football ground. To the west of it lie the rears of residential properties on Stuart Street and Milner Grove whilst to the east, beyond and above a continuous wall which runs the length of Clarence Road, the roofs of commercial buildings on an adjacent retail park are visible.
5. The Quoit Club building is a relatively low, single storey building. Comprised of multiple elements, it presents a taller gable ended element and, at right angles

to it, a lower projecting element as an immediate backdrop to the appeal site. The advertisement panel itself would face broadly south, angled slightly towards Clarence Road, its content principally visible from the south.

6. The area of grass land does, as the Council suggest, fulfil a useful function of softening the Clarence Road street environment. However, despite this, the prevailing character of the area around the appeal site is, notwithstanding the pocket of residential development on Milner Grove which backs on to the area of grass, commercial in nature. The Quoit Club building as backdrop provides immediate context in this respect, but the football ground, roofs of the retail sheds to the east, and the large superstores beyond the football ground, all contribute to the predominant character noted above.
7. The appeal proposal would not noticeably reduce the extent of the grassed area. It would, therefore, still fulfil the same 'softening' role. The sign itself would be seen in close quarters with, and in the immediate context of, the Quoit Club building, whose wide, starkly painted white flank elevation abruptly terminates the grassed area. The advertisement panel would stand in front of this, elevated on steel support legs, with the building and its roof providing an immediate backdrop.
8. Although the Quoit Club building is not overtly laden with advertisements or signage on this elevation, there are signs elsewhere about it. There are also multiple large-format advertising panels, including a digital panel, elsewhere around that site's permitted on Middleton Road and Stuart Street. Commercial signage of varying types is therefore not uncommon in the appeal site's immediate surroundings, whilst in longer views on approach from the south along Clarence Road the advertisement would first be experienced from the immediate surroundings of the football ground.
9. Whilst the other signs and panels provide context, the proposal would not in my judgement result in an over-proliferation of such installations. Rather, they would be sufficiently distant from each other to provide context without creating intrusive visual clutter. Moreover, whilst providing that context, the proposed advertisement would not be seen directly against or alongside other such panels and, as such, would not cause harm to amenity in this respect.
10. The grassed area is referred to as an area of 'restraint' although it is not clear whether this term has any development plan standing. Reference has also been made to advertisements previously situated along the grassed area's Clarence Road frontage and, particularly, their subsequent removal as evidence of an approach of restraint. However, it is not clear whether the term 'restraint' has any particular development plan standing or status, whilst I have assessed the proposal on its merits and in the context of its surroundings.
11. The presence of residential properties is noted in the Council's officer report. It concludes that the angle upon which they would look out towards the advertisement, and the distance between it and them, would be such that amenity concerns would not exist in this respect. I agree. The advertisement panel would be angled towards the road resulting in an oblique angle across the face of the panel, whilst intervening vegetation (when in leaf) and tree canopies (skeletal, when not in leaf) intercept direct views.
12. For these reasons, I therefore conclude that the proposed digital LED advertising unit would not have a harmful effect on the amenity of the

surrounding area. I have taken into account the provisions of HLP policies QP4 and QP8, and the Framework, which have been cited in the refusal reason, and which broadly seek to promote high quality design. As I have concluded that the proposal would not harm amenity, it does not conflict with these policies. However, as the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity, they have not been decisive in my determination.

Conditions

13. The Council has suggested a range of conditions¹ other than the five standard conditions set out in the Regulations. Condition 1 is not necessary as the decision set out above already refers to these matters, whilst the plans referred to in condition 2 are also part of the application 'as applied for' in the decision. Other conditions may be combined² where necessary and covering similar subject matter in order to avoid excessive numbers of conditions.

Conclusion

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

G Robbie

INSPECTOR

¹ Reference to condition numbers in this section correspond with the numbering of the Council's suggested conditions. There was no suggested condition 11.

² Conditions 4 and 6 and conditions 8, 9, 11 and 12

Schedule of Conditions

(in addition to the five standard conditions set out in the Regulations)

- 1) No individual advertisement displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
- 2) The interval between successive displays on the sign shall be instantaneous (0.1 second or less), with no flashing 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. The display shall not change more frequently than once every 10 seconds.
- 3) The intensity of the illumination of the sign shall accord with the Institute of Lighting Professionals publication PLG05 (2015): The Brightness of Illuminated Advertisements, or any publication replacing or superseding this guidance and shall not exceed 300cd/m² during the hours of 'darkness' defined as the hours after dusk and before dawn. The display panel of the sign shall be fitted with a light sensor to adjust the brightness in response to changes in light patterns. The intensity of the luminance anywhere on the surface of the advertisements hereby granted shall be no greater than 300 candela per square metre during night-time hours (23:00hrs to 06:00hrs). The illumination of the advertisement shall not at any time be intermittent.
- 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) The use of message sequencing for the same product is prohibited and the advertisement shall not include features/equipment which would allow interactive messages/ advertisements to be displayed.
- 6) The advertisement displayed shall be silent and any audio capability that the billboard has shall be disabled for the duration of its period of display.

****end of schedule****