
Appeal Decision

Site visit made on 29 August 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/W0734/Z/24/3345968

Hamilton House, Sotherby Road, Middlesbrough TS3 8BT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Warren Milroy (Vivid Outdoor Media Solutions (B) Ltd) against the decision of Middlesbrough Council.
 - The application Ref is 24/0103/ADV.
 - The advertisements proposed are 2 x 48 Sheet freestanding LED illuminated advertising display panels in back-to-back format, measuring 6.4m wide x 3.4m high and comprising pressed metal frames with sealed LED screens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. Therefore, while I have taken account of the policies and guidelines that the parties consider to be relevant, these have not been decisive in my assessment.

Main Issues

3. The main issues in this appeal are the effect of the advertisements on amenity and public safety.

Reasons

Amenity

4. The proposed advertisement display screens would occupy a highly prominent roadside position on Cargo Fleet Lane, mounted on poles, and would be visible for a considerable distance in both directions along this straight stretch of road. The digital illumination and sequential changing images would add further to their prominence. This would be the case even if the levels of illumination and the speed and frequency of image transitions were carefully controlled.

5. I appreciate that the context is strongly urban with a mixed commercial/industrial character. Advertisements are, in general, a familiar feature along the road. I have also noted the redevelopment plans for the site. However, the proposal would be larger and more eye-catching than most other forms of advertising in the vicinity. Given their size, fully illuminated design, regular changing images, and the extent to which they would be visible along Cargo Fleet Lane, I consider that the proposed advertisement display screens would stand out as inappropriately conspicuous features. This would be harmful to the visual amenity of the area, notwithstanding it is not a conservation area.
6. I therefore conclude that the proposed advertisement display screens would be detrimental to the interests of amenity. Whilst not decisive, the proposal would also conflict with Policies DC1 and CS5 of the Middlesbrough Core Strategy 2008 (the CS) in so far as they seek development that is compatible with its context. It is also contrary to paragraph 141 of the National Planning Policy Framework which sets out that poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Public safety

7. The proposed advertisement display screens would face both directions along Cargo Fleet Lane, close to the junction with Sotherby Road. While the approaches are wide, straight, and are likely to be well lit at night, there are a variety of factors for drivers to take into account along this busy stretch of the road which adds complexity.
8. The south facing display screen would be visible at a point where northbound vehicles will be moving towards the right turn ghost island serving Sotherby Road. The ghost island also contains a pedestrian refuge providing crossing facilities to the supermarket on the opposite side of the road. I am advised that during peak times the right turning traffic in this location can be held up by the southbound traffic queuing towards the signalised A1085 Longlands Road junction. Traffic may also be slowing to turn left into the unnamed side road serving the supermarket and other commercial/industrial premises. As such, traffic can slow or stop unexpectedly at this point.
9. The north facing display screen would be visible at a point where southbound vehicles may be slowing or stopping due to the aforementioned congestion, or to turn right into the unnamed side road or left into Sotherby Road. It would also fall within the field of view of the advance directional signage for the upcoming A1085 Longlands Road junction. In addition, drivers need to pay careful attention to an in-carriageway cycle lane on this side of the road.
10. Even taking into account that the display screens would be operated to industry standards and could be subject to further conditions to control the rate of change of the images or level of illumination, I consider that the proposal would provide an additional level of distraction for drivers in a location which clearly demands a high degree of concentration on the road and awareness of other road users. The additional visual information, resulting in even momentary distraction, could reduce the time to assess potential risks such as slowing/stopping or merging vehicles, and awareness

of more vulnerable users such as cyclists and crossing pedestrians, thereby increasing the risk of an accident in this location. The potential interference with the legibility of the advance directional sign for the upcoming A1085 Longlands Road junction adds further to my concerns.

11. I have had regard to the accident data provided, which the appellant considers to be low for this stretch of road. While this may be so currently, it is not a justification for introducing a new distraction into this area to the detriment of highway safety.
12. I therefore conclude that the proposed advertisement display screens would be detrimental to the interests of highway safety and therefore public safety. Whilst not decisive, the proposal would also conflict with the highway safety expectations of CS Policy DC1.

Other Matters

13. The appellant has highlighted cases where other digital advertisements have been accepted by the Council. Although the size and nature of the advertisements appear similar, they are in different locations with their own specific contexts and highway conditions, so I am not persuaded that they represent a direct parallel to the appeal proposal. As such, these examples have limited bearing on my assessment of this appeal and I have reached my own conclusions.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

A Caines

INSPECTOR