



---

## Appeal Decision

Site visit made on 16 September 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

### Decision by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

---

#### Appeal Ref: **APP/H0738/Z/19/3230708**

#### Land adjacent to **1 Bishopton Road, Stockton-on-Tees, TS19 0AN**

- 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 Jonathan Chandler, against the decision of Stockton-on-Tees Borough Council.
- The application Ref 19/0401/ADV, dated date 19 February 2019, was refused by notice dated 17 April 2019.
- The development proposed is for the replacement of 1 no. 96 sheet poster display with 1 no. 48 sheet internally illuminated digital display and associated logo box.

---

### Decision

1. The appeal is allowed, and express consent is granted for the replacement of 1 no. 96 sheet poster display with 1 no. 48 sheet internally illuminated digital display and associated logo box at Land adjacent to 1 Bishopton Road, Stockton-on-Tees, TS19 0AN, in accordance with the terms of application Ref 19/0401/ADV, dated 9 February 2019, and subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) Illumination of the advertising unit shall not exceed 150 candela/sqm at night-time.
  - 2) The sign shall not be illuminated between the hours of 00:00 and 06:00 on any day.
  - 3) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
  - 4) The sequential change between displays shall be no greater than 1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The effect of the proposal on the visual amenity of the area.

## Reasons for the Recommendation

4. The Appeal site is located in a prominent location on an embankment at the junction of Bishopton Road and Durham Road. The surrounding area contains a mix of residential properties, commercial units and a railway line. There are two existing advertisement hoardings located along this section of embankment. The presence of both contributes to the character and appearance of the area.
5. The proposal would replace an existing externally illuminated 96 sheet poster display with a digital 48 sheet internally illuminated digital display. A new image would materialise every 10 seconds with the interchange between each image virtually instantaneous. The size of the display would be similar in height, with the width being approximately half that of the existing hoarding. The display would be sited in a similar location as the one it proposes to replace.
6. The replacement of the existing illuminated poster advert at this location with one that displays illuminated static images would not increase the visual prominence of the advert. It would be located in a raised position that forms part of the railway embankment. It would be visible when approached by oncoming traffic along Durham Road and Bishopton Road. Whilst there is disagreement between the Council and appellant as to the levels of illumination, the appellant has confirmed that the levels would be in line with the Institute of Lighting Professional Guidance (ILPG). As the levels would be in accordance with the ILPG along with the siting and the separation distance from the nearby residential properties, the proposal as a result of its scale, location and levels of illumination, would not adversely affect the amenities of nearby residents. The materials would be new and modern and this against the backdrop of the embankment would improve the quality and character of the area. It would not, by reason of its size, position, illumination, have a materially greater impact on the visual amenity of the area as the hoarding it would replace.
7. The proposal would not have a harmful effect on visual amenity. In reaching this finding, account has been given to paragraph 132 of the National Planning Policy Framework and the City of Stockton-on-Tees Local Plan (2019) Policy SD8 – *Sustainable Design Principles*, and the *Shop Front Design and Advertisements* Supplementary Planning Document (2013), which are considered material in this case. Given that it is concluded the proposal would not harm amenity, the proposal does not conflict with these.

## Conditions

8. Alongside the standard conditions to be attached, the Council and appellant have suggested a number of additional conditions. The Council propose that a condition which restricts the operation of the display during the hours of 23:00 and 07:30 be attached. This condition is considered unreasonable as it is imprecise and could be misunderstood.
9. The appellant has also proposed conditions which seek to reduce the illumination levels to no more than 150 candela/sqm at night-time; ensure the sequential advertisements will not change more than once every 10 seconds; that the sequential change between advertisements will take place over a period no greater than one second; the sign shall not display any moving, or apparently moving images; and the sign shall not be illuminated between the hours of 00:00 and 06:00. These conditions all appear necessary and reasonable in order to protect the amenity of the area. They have been slightly reworded to ensure clarity.

### **Conclusion and recommendation**

10. For the reasons given above the advertisement is acceptable in terms of visual amenity, it is recommended that the appeal should be allowed, subject to the five standard conditions and the additional ones as set out above.

*S Witherley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed subject to the above conditions.

*A U Ghafoor*

INSPECTOR