



Appeal Decision

Site visit made on 26 May 2020

by **T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2020

Appeal Ref: APP/H0738/Z/19/3240916

Land East of Portrack Lane, Stockton on Tees TS18 2HD

- 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 against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 19/1701/ADV, dated 26 July 2019, was refused by notice dated 7 October 2019.
 - The advertisement proposed is the removal of two hoardings and replacement of two remaining hoardings with 48 sheet freestanding digital adverts.
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Decision

1. The appeal is allowed and express consent is granted for the removal of two hoardings and replacement of two remaining hoardings with 48 sheet freestanding digital adverts. 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:
 - The intensity of luminance of the advertisements shall be no greater than 300 candela per square metre during the hours of darkness;
 - No individual advertisements displayed on the panels shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs;
 - The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays; and
 - The sequential advertisement on any display panel shall not change more than once every ten seconds.

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. 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

3. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

4. The site currently hosts 4no. non illuminated 48 sheet 3m x 6m hoardings fronting Portrack Lane. These would be removed and replaced by 2no. 48 sheet freestanding digital adverts. During hours of darkness the adverts would have a maximum illumination level of 300 candela per square metre. Although the Council have suggested a lower level of illumination would be more appropriate during the hours of darkness and that illumination should not be permitted between the hours of midnight and 06:00, this level of illumination would accord with guidance issued by the Institution of Lighting Professionals for displays located within an urban area.
5. The area to the east of Maritime Road where the adverts would be placed is highly commercial in nature and I noted the presence of various industrial premises in the immediate vicinity, some of which are large and imposing. There is an existing variety of type and size of advertising within the vicinity. There is a car park immediately to the front of the site and Maritime Road is a wide, multi-lane highway with extensive street lighting and was busy with traffic on my site visit during the early evening.
6. The evidence identifies that Victoria Park, across Maritime Road to the west is subject to a regeneration scheme of residential dwellings and work associated with this development appeared to be underway when I undertook my site visit. Further residential property is also identified at 2 Portrack Lane and a planning approval relating to the redevelopment of this property has been drawn to my attention.
7. Whilst the nature of the adverts on the site would change somewhat through the introduction of illumination, property on the Victoria Park scheme would be located a significant distance from the adverts across Maritime Road. Whilst the southernmost advert would be visible from within this scheme, it would not face this site directly and would be set on an angle, such that the relationship would be indirect as well as at a significant distance. The northernmost advert, while closer to 2 Portrack Lane would not face this property directly. Further, this property is encompassed within a highly commercial area where features such as the adverts proposed could be expected.
8. Therefore, considering the commercial characteristics of the area to the east of Maritime Road and the large scale of buildings within it, combined with the relationships to nearby sites identified above and given that advertisements are a common feature within the area, I do not consider that the proposal would result in any unacceptable impact on the visual amenity of the area as a result of their scale, siting or illumination.
9. Subject to the imposition of a number of conditions I am satisfied that the adverts would cause no harm to the visual amenity of the area and would be acceptable in terms of public safety. The adverts would therefore accord with the amenity and public safety aims of the SPD¹, Policies SD1 and SD8 of the

¹ Stockton-on-Tees Local Plan Shop Front Design and Advertisements Supplementary Planning Document 2013

Stockton-on-Tees Borough Council Local Plan (2019) and the National Planning Policy Framework (2019).

Conditions

10. In addition to the five standard conditions set out in the Advertisement Regulations, conditions are necessary which prohibit moving images, and which regulate the frequency of image changes and the level of illumination in the interests of highway safety and visual amenity.

Conclusion

11. For the reasons above, the appeal should be allowed.

T J Burnham

INSPECTOR