



Appeal Decision

Site visit made on 18 March 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/H0738/H/24/3356612

Bus Garage, Church Road, Stockton on Tees TS18 2HW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
- The appeal is made by Wildstone Estates Limited against the decision of Stockton-on-Tees Borough Council.
- The application Ref 24/1505/ADV was approved on 22 October 2024 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is advertisement consent for 1no internally illuminated digital media screen.
- The condition in dispute is No 4 which states that *"In accordance with the submitted information, the hereby approved signage shall be restricted to and shall not exceed the following luminance levels; 300cd/m"*.
- The reasons given for the condition is *"to define the consent"*.

Decision

1. The appeal is allowed and the express consent Ref 24/1505/ADV for advertisement consent for 1no internally illuminated digital media screen at Bus Garage, Church Road, Stockton on Tees TS18 2HW granted on 22 October 2024 by Stockton-on-Tees Borough Council is varied by deleting condition 4 and substituting for the conditions in the attached schedule.

Main Issue

2. The proposal seeks to vary condition 4 to allow for a greater luminance during daytime hours. The main issues are therefore the effect of the proposal on visual amenity and public safety.

Reasons

3. The area surrounding the appeal site is characterised predominantly by commercial buildings in an urban area where numerous advertisements are visible in the street scene.
4. The proposal would allow for brighter luminance levels during the day than at night but would not exceed the maximum daytime luminance values set out in the Institution of Lighting Professionals – Professional Lighting Guide. Given the location of the proposal, its size and proposed illumination levels, the proposal would not have an adverse effect on the character and appearance of the surrounding area. Its proximity and orientation to the surrounding roads would also ensure that the proposal would not distract roads users.
5. Accordingly, I find that the proposal would not have a harmful effect on visual amenity or public safety. The proposal would accord with SD8 of the Stockton-on-

Tees Borough Council Local Plan which seeks new development to be designed to the highest possible standard.

Conclusion

6. Condition 4 is the modified condition that is subject of this appeal and relates to luminance levels. This condition is necessary in the interests of visual amenity and public safety. In addition to the standard time limit condition, I have also imposed conditions relating to approved plans, advert maintenance, and display and image times. These conditions were originally imposed by the Council, and I have imposed them in the interests of visual amenity and public safety.
7. For the reasons given above I conclude that the appeal should be allowed, and the express consent should be varied.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The permission hereby granted for display of the proposed advertisement shall begun no later than the expiration of five years from the date of express consent Ref 24/1505/ADV.

- 2) The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
SBC00001	28 August 2024
SBC00002	28 August 2024
SBC00004	28 August 2024

- 3) Any advertisement displayed, and any site used for the display of advertisements shall be:
- Maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
 - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
 - Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
 - No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
- 4) In accordance with the submitted information, the hereby approved signage shall be restricted to and shall not exceed the following luminance levels:
- 300cd/m in the hours of darkness; and
 - The maximum daytime luminance values set out in table 10.5 of the Institution of Lighting Professionals – Professional Lighting Guide (PLG05) ‘Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m2.
- 5) 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.
- 6) 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.