



Appeal Decision

Site visit made on 13 April 2023

by **Elaine Gray MA, MSc, IHBC**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/H0738/H/23/3314059

46 Bishopton Lane, STOCKTON-ON-TEES, TS18 2AQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Global against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/0116/ADV, dated 17 January 2022, was approved on 8 November 2022 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 display.
 - The condition in dispute is No 4 which states that: The intensity of the luminance of the advertisement shall be no greater than 300 per square metre and no greater than 150 candela per square metre during the hours of darkness.
 - The reason given for the condition is: In the interests of the residential amenities of the surrounding area.
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Decision

1. The appeal is allowed and the advertisement consent Ref 22/0116/ADV for 1no internally illuminated digital media display at 46 Bishopton Lane, Stockton-On-Tees, TS18 2AQ granted on 8 November 2022 by Stockton-on-Tees Borough Council is varied by deleting condition 4 and substituting for it the following condition:

4. The intensity of the illumination of the advertisement permitted by this consent during day time shall be no greater than that recommended by the Institute of Lighting Professionals (for a sign in the Zone where the advertisement is to be located) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide). In accordance with the hours of luminance specified in Condition 5, the intensity of the illumination of the advertisement shall be no greater than 150 candela per square metre during the hours of darkness.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenities of the area.

Reasons

3. The disputed condition 4 states that 'The intensity of the luminance of the advertisement shall be no greater than 300 per square metre and no greater than 150 candela per square metre during the hours of darkness.' This

condition is imposed in 'the interests of the residential amenities of the surrounding area'.

4. The wording of this condition has the effect of restricting luminance to below 300 candela per square metre not just at night time but also during the day. The site of the internally illuminated advertisement is the southern gable elevation of No 46, which faces towards the junction of Bishopton Lane and Allison Street. On my site visit, I saw that the surrounding area is well served by tall street lights, particularly at the busy junction close to the site.
5. Given these high ambient background light levels, I find that a level of luminance higher than that provided by condition 4 would be required for the display to be seen during day time. This view is consistent with the advice of the Institution of Lighting Professionals' (ILP) guidance document PLG 05 (the Guide).
6. Consequently, I conclude that the variation of condition 4 to allow an increase in the intensity of illumination during daylight hours to the recommended levels would not unacceptably harm the visual amenity of the area.

Condition

7. A condition restricting the level of illumination is necessary to safeguard amenity. I have taken into account the condition suggested by the appellant, but I have amended it by using the PINS model condition, so that the illumination levels of the sign remain in accordance with any future iterations of the Guide.

Conclusion

8. For the reasons given above, I conclude that the variation to condition 4, as set out above, would not be detrimental to the interests of amenity.

Elaine Gray

INSPECTOR