

Appeal Decision

Site visit made on 7 December 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th January 2017

Appeal Ref: APP/M4510/Z/16/3159127

18 Pilgrim Street, Newcastle upon Tyne NE1 6QG

- 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 New World Payphones against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref: 2016/1084/01/ADV, dated 7 July 2016, was refused by notice dated 31 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is allowed and express consent is granted for the display of internally illuminated digital panel as integral part of telephone kiosk as applied for. 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:
 1. There shall be no moving elements within any advertising display.
 2. The intensity of the illumination of the panel permitted by this consent shall be no greater than 280 candelas/m².

Procedural Matters

2. Reference is made to sustainable development and the economic benefits of the appeal proposal. However, paragraph 67 of the *National Planning Policy Framework* ('the Framework') makes it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Accordingly, the various development plan policies cited in this case are not decisive. As the appeal site lies within the Central Conservation Area, my considerations in this case are confined to amenity.
3. The appeal is concerned with the proposed display panel only, and any benefits to amenity arising from the replacement of the existing telephone kiosk on the site have no bearing on the planning merits of the case.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement panel on amenity, with particular regard to whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area.
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Reasons

5. The appeal site lies on the eastern edge of the extensive Central Conservation Area which is defined by historic buildings of impressive scale interspersed with modern developments. Within the vicinity of the appeal site four-storey terraced buildings predominate, typically with retail shops at ground floor level and storage and office uses to the upper floors. Although modern shopfronts prevail, the use of ashlar sandstone and decorative architraves and cornices to the upper storeys serves to enhance the buildings and their contribution to the character and appearance of this part of the Conservation Area.
6. On the west side of Pilgrim Street, between Blackett Street and Market Street, there are four prominent bus shelters. Each features a large, double-sided and illuminated poster sign on one end and two have scrolling signs which change every 10 seconds or so. There is similar illuminated advertising to the front of bus shelters on the opposite side of the street, although they are outside the Conservation Area. In addition to illuminated fascia signs to shopfronts, a number of buildings have projecting box signs and the Tyneside Cinema features a large digital V-board sign at first floor level.
7. Paragraph 67 of the Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. The proposed panel would be of a simple design and would be affixed to the east side of the replacement kiosk facing the highway. It would be sited between two of the bus shelters. Although the sequential nature of the advertisement would reinforce its impact, the proposed display would not appear out of place given the size and number of illuminated advertisements on nearby bus shelters and other illuminated signage in the vicinity. As such, I conclude that the proposal would not materially harm the amenity of its surroundings and would preserve the character and appearance of the Conservation Area.
8. The proposed advertisement panel would not therefore conflict with relevant parts of policies UC12, UC14 and CS15 of the Core Strategy¹ which aim to ensure that development respects and enhances its context and sustains and enhances the significance of heritage assets and their setting. Furthermore, there would be no breach of Policy EN1.1 of the Unitary Development Plan² which seeks to integrate development into its setting.

Conditions and Conclusion

9. The Council has suggested an additional condition to prevent moving elements within the advertising display. As the proposal involves a sequential display (ie one that changes about every 10 seconds), I take this to refer to preclusion of moving elements within each display. As this could distract drivers I shall impose the condition in the interests of highway safety.
10. A condition to control the level of illumination is also suggested. In the interests of visual amenity and highway safety I shall apply an amended version to satisfy the six tests for conditions set out in paragraph 206 of the Framework.

¹ Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030

² Newcastle upon Tyne Unitary Development Plan (1998)

11. For the above reasons, and having regard to all other matters raised, I conclude that the proposal is acceptable and the appeal should succeed.

Michael Moffoot

Inspector