

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: 9th January 2017

Appeal Ref: APP/M4510/Z/16/3159129

67 Percy Street, Newcastle upon Tyne NE1 7RN

- 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: 2016/1066/01/ADV, dated 7 July 2016, was refused by notice dated 1 September 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.

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. The appeal site lies within the Leazes Conservation Area and the former Newcastle Breweries Offices is a listed building. The Council also has concerns regarding the implications of the proposal for highway safety. Accordingly, my considerations in this case are confined to amenity and public safety.
3. The appeal is concerned with the proposed display panel only, and any benefits to amenity arising from the replacement of the existing pair of telephone kiosks on the site have no bearing on the planning merits of the case.

Main Issues

4. The main issues in this case are:
 - (i) 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 and its effect on the setting of a listed building; and
 - (ii) the effect of the proposal on public safety.
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Reasons

Amenity

5. The appeal site is situated on the south-eastern edge of the Conservation Area and fronts Percy Street, a busy arterial route serving the city centre. This part of the Conservation Area is predominantly commercial in character and is dominated by the monolithic Eldon Garden multi-storey car park with retail units at ground floor level. The building connects to the vast Eldon Square Shopping Centre (outside the Conservation Area) by a glazed overhead walkway. Historic buildings on this stretch of Percy Street within the Conservation Area generally comprise terraced three-storey properties in retail use at street level and storage on upper floors.
6. Paragraph 67 of the Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertising and signage is varied and prolific in this busy commercial area. It includes fascia and projecting box signs, hanging signs, plastic banners, window signage, free-standing A-boards on footways and a large poster hoarding on a gable end. Many of the signs are internally or externally illuminated.
7. Within this context the proposed panel would be a modest addition. It would be displayed on the rear of the telephone kiosk facing the highway and simple in design. Although it would be illuminated and feature sequential images, the panel would not be out of keeping in this well-lit commercial area where advertising is widespread. As such, the proposal would not materially harm the amenity of its surroundings and would preserve the character and appearance of the Conservation Area.
8. The grade II listed former Newcastle Breweries Offices building dates from the late 20th century and is a handsome three-storey building of granite and sandstone construction under a plain tiled roof. Its setting is informed by its frontage to the main street and backdrop of housing to the west. The building lies at the junction of Percy Street and St Thomas' Street some 180m to the north of the appeal site. Given this separation distance, the proposed panel would not be readily observed in conjunction with the building and its setting would not therefore be harmed by the proposal.
9. The proposal 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. Moreover, it would not breach policies C2 and EN1.1 of the Unitary Development Plan² seek to protect the setting of listed buildings and integrate development into its setting.

Public safety

10. The Council submits that the proposal could distract drivers on the approach to a busy signalised crossing and the traffic regulation signage immediately above the proposed panel could be ignored by drivers distracted by the digital display.

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

² Newcastle upon Tyne Unitary Development Plan (1998)

11. The display would be visible to drivers approaching the crossing from the south and seen in conjunction with a lane restriction sign and a pedestrian crossing light. The *Planning Practice Guidance* advises that proposed advertisements at points where drivers need to take more care (such as pedestrian crossings) are more likely to affect public safety. However, it adds that there are less likely to be road safety problems if, amongst other things, the advertisement is on a site within a commercial locality or is a normal poster panel and is not on the skyline.
12. In this case the appeal site is within a wholly commercial area and a normal poster panel is proposed. Furthermore, it would not breach the skyline. The display would be observed against a backdrop of shops and other commercial premises with associated signage, including the large poster hoarding at the junction of Morden Street. Moreover, as the appellant submits, the signal heads would be adequately separated from the display and would be visible well above the level of the kiosk, so that they would be the dominant feature in an approaching driver's view. As such, it is highly unlikely that an approaching driver would be distracted by the appeal proposal to the extent that public safety would be materially harmed.
13. The proposal would not therefore conflict with policy T7.1 of the Unitary Development Plan which seeks to prevent demonstrable danger or inconvenience on the public highway.

Conclusion

14. 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