

Appeal Decision

Site visit made on 13 March 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/M4510/Z/17/3166864

Land at Westmorland Road, The Savoy, Benwell, Newcastle NE4 6RA

- 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 Insite Poster Properties Ltd against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/1522/01/ADV, dated 28 September 2016, was refused by notice dated 22 November 2016.
 - The advertisement proposed is replacement of existing 48 sheet advertising display with 48 sheet LED display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/m².
 - 2) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 - 3) There shall no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping, or other animated transition methods) between successive displays and the display shall include a mechanism to freeze the image in the event of a malfunction.

Main Issue

2. The main issue in this appeal is the effect of the proposal on amenity.

Reasons

3. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
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4. The appeal site is a fairly large plot of open land located on the northern side of Westmorland Road on the corner with Beech Grove Road. The surroundings are predominately residential, with a public park to the west. The setting further north in Beech Grove Road comprises of mainly two and three storey terraced housing with some grassed open areas. The setting is also fairly open to the south in Westmorland Road, with small stands of trees and extensive grassed amenity areas around residential tower blocks. There is an enclosed shopping centre at the foot of one of the tower blocks.
5. There are two other hoardings in the vicinity. To the west of the site, located on the north side of Westmorland Road is a 96 sheet externally illuminated hoarding. To the south of Westmorland Road is an internally illuminated hoarding. I also noted an advertisement to the east of the appeal site relating to a local regeneration partnership.
6. Consent is sought for the display of one 48 sheet LED advertisement measuring 6m in width and 3m in height set on a framed support and plinth. The proposed advertisement would be static in imagery. It would replace an existing externally illuminated sign of the same dimensions, at the same height and in the same location which was granted consent under a previous application¹. I acknowledge that the existing advertisement hoarding occupies a prominent position and is highly visible in views along Westmorland Road and the wider area. However, I have no reason to doubt that the existing advertisement hoarding would continue to be utilised in the event that the appeal were to be dismissed. The fall-back position of the existing advertisement thus attracts significant weight.
7. The Council consider that the proposal would by reason of its size and siting and proximity to other hoardings in the immediate area result in a cluttered appearance of the site to the detriment of the visual and residential amenity. The Council does not state, however, how the proposal would result in a more cluttered appearance than the existing advertisement.
8. The proposal would be set on a wooden support and plinth as per the existing advertisement. It would also be set against the backdrop of the trees to the rear. The proposal would have a static display with no moving images. Although internally illuminated as opposed to externally illuminated the glare/lighting levels can be controlled by condition together with conditions to control the display. Furthermore, the method of illumination would be consistent with that of the hoarding to the south of Westmorland Road.
9. Taking these factors in combination, I conclude that the proposal would not result in an increase in visual clutter in the street scene or significantly alter the amenity of the area compared to the existing advertisement.
10. Attention is drawn to an appeal decision² for a non-illuminated, free-standing 48-sheet poster panel also on the corner of Westmorland Road and Beech Grove Road. However, from the limited evidence which I have before me this case relates to an additional 48-sheet panel advertisement. This case is not, therefore, directly comparable to the appeal proposal which is for a replacement advertisement.

¹ Planning application reference: 1997/1628/01/ADV

² Appeal reference: APP/M4510/H/00/1725

11. The Council does not suggest conditions in addition to the standard five conditions as set out in the Regulations. The appellant has suggested a number of conditions, some of which repeat the standard conditions. Having reviewed those suggested conditions, I consider that a condition stating that the maximum illuminance level shall not exceed 300 cd/m² is necessary in the interests of visual amenity and highway safety.
12. In addition, further conditions controlling the frequency of the change of display; restriction of message sequencing; special effects; and the interval between successive displays are necessary to ensure that drivers are not distracted by the proposal and in the interests of visual amenity.
13. Saved Policy EN1.1 of the Council's Unitary Development Plan (UDP) 1998 requires all development to meet high standards of design. I have taken account of the Policy as it seeks to protect amenity and so is material in this case. Given that I concluded that the proposal would not result in an increase in visual clutter in the street scene or significantly alter the amenity of the area compared to the existing advertisement, no conflict would arise with Policy EN1.1.
14. Furthermore, for the reasons stated no conflict would arise with paragraph 67 of the Framework which states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

Conclusion

15. For the reasons stated above and taking all other considerations into account the appeal should be allowed subject to the standards conditions and the additional conditions set out at paragraph 1 above.

Caroline Mulloy

Inspector