



Appeal Decision

Site visit made on 9 September 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/M4510/Z/19/3232045

Pilgrim Street, Opp No 45-47, City Centre, Newcastle Upon Tyne NE1 6JS

- 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 Clear Channel against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2019/0159/01/ADV, dated 30 January 2019, was refused by notice dated 2 May 2019.
 - The advertisement proposed is the display of a double-sided digital screen to existing bus shelter.
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Decision

1. The appeal is allowed express consent is granted for the display of double-sided digital screen to existing bus shelter 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 development hereby permitted shall be carried out in accordance with the following approved drawings: 0502-0163 Pilgrim Street O/S 45-47; 110196 Sigma DS75 Dropper Assembly; and DS75_BUS_SHELTER_WOD sheets 1 & 2.
 - 2) Notwithstanding the approved plans, no part of the digital displays hereby permitted shall contain any prismatic, scrolling or other moving components, images or special effects.
 - 3) Notwithstanding the approved plans, the digital displays hereby permitted shall not change more than once every 10 seconds.
 - 4) Notwithstanding the approved plans, the digital displays hereby permitted shall operate at a maximum illumination of maximum 600 candela/sqm during daylight hours and a maximum of 300 - candela/sqm during the hours of darkness.

Procedural Matters

2. I have used the description of development given on the Council's decision notice in the banner heading above as it is more concise and accurately captures the scope of the proposed development without superfluous explanatory text.
3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration.

However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

4. I am also determining a number of other advertisements appeals¹ within the vicinity of this appeal site. Whilst each case is determined upon its own merits, I have taken into account the other cases insofar as they are relevant.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the amenity of the area including the character and appearance of the Central Conservation Area and the setting of a number of Grade II listed buildings².

Reasons

6. The appeal site is an existing bus shelter within a busy city centre street and adjacent to a number of ground floor commercial properties. The site sits on the western edge of the Central Conservation Area (CA).
7. The bus stop is a modern style light weight black framed bus shelter with an end panel that currently has a double sided 6 sheet paper advertisement protected by perspex sheets. The existing advertisement is static and illuminated.
8. The proposal would see the replacement of the existing advertisement with a similar sized LED advert. The advert would be static but would change approximately every 10 seconds and would be lit to a maximum brightness of 280cd/m². The appellant has provided an extract of illumination levels recommended by the Institute of Lighting Professionals for displays located within a range of area types. The proposal would accord with the ILP recommendations.
9. Subject to the imposition of planning conditions, the Council has not raised any concern in respect of public safety issues. I have no reason to depart from such a view. The Council's primary concern relates to the effect of the advertisement upon the amenity of the area (including the CA and setting of several Grade II listed buildings) taking into account its scale, design and illumination.
10. The immediate area surrounding the appeal site is characterised by modern commercial shopfronts at ground floor level with traditional sandstone upper floors that are typical of central Newcastle. Several of the buildings that form the backdrop to the appeal site on the western side of Pilgrim Street are Grade II listed including 22-28 Pilgrim Street which is immediately adjacent to the appeal site. The significance of this part of the CA is in the burgage plot style developments and the Georgian sandstone buildings of Richard Grainger.
11. The existing bus stop is the only one on this particular block which is formed by one continuous four storey sandstone building which sits between Hood Street to the north and Market Street to the south. The bus stop is central to the block and directly in front of a full width shop front that is fully glazed with traditional style timber shop front and sandstone pilasters.

¹ APP/M4510/Z/19/3232057, APP/M4510/Z/19/3232063, APP/M4510/Z/19/3232050, APP/M4510/Z/19/3232047

² Carloli House, Market Street East, 22-28 Pilgrim Street

12. There are a range of types and sizes of existing advertisements within the vicinity of the existing bus stop, not least because Pilgrim Street acts as a main thoroughfare for the city's buses and to the north of the appeal site Pilgrim Street joins Northumberland Street which is the main shopping street within the city.
13. Pilgrim Street is relatively wide at around 15 metres from pavement to pavement and is separated by a cobbled central reservation. Looking north towards Northumberland Street the vista is extremely busy with various signs, hoardings, street furniture and illuminated shop frontages. In the wider context of Pilgrim Street and Northumberland Street the existing bus shelter and integrated advertisement is barely noticeable.
14. Acknowledging the appeal site as existing and what is already present on this part of Pilgrim Street including other moving advertisements, kiosks and illuminated signage at both ground floor and above I am satisfied that the proposed LED advertisement would not appear prominent or intrusive within the street scene. In terms of the wider area it would not detract from the character and appearance of the CA.
15. The proposal includes provision for static images that would change every 10 seconds. There are very few advertisements in the immediate locality which display moving images and I therefore consider that the imposition of a planning condition which prohibits the use of prismatic/scrolling images or special effects is a necessary one. In the absence of this, the advertisement would be seen as a discordant visual distraction in this street, where other illuminated advertisements are more static in terms of appearance. Furthermore, during the hours of darkness in particular, the inclusion of moving images would be inappropriate to the character, history and setting of the CA and the aforementioned Grade II listed buildings and would represent an unacceptable distraction to passing motorists to the detriment of highway safety.
16. Subject to the imposition of a number of conditions, I conclude that the advertisement would preserve the character and appearance of the CA and would preserve the setting of the nearby listed buildings. It would be acceptable in both amenity and public safety terms. The advertisement would therefore accord with the amenity and public safety aims of Policies UC12, UC14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30, and saved Policies C2 and EN1.1 of the Newcastle Upon Tyne Unitary Development Plan 1998 and the National Planning Policy Framework.

Conditions

17. In addition to the five standard conditions set out in the Advertisement Regulations, it is necessary to also impose a planning condition relating to the proposed drawings and specification for the avoidance of doubt and in the interests of certainty. In the interests of highway safety and amenity, a planning condition is necessary which prohibits moving images, the frequency of the image changes and the level of illumination.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, the proposed advertisement would not have a detrimental impact upon the amenity of the area including the CA and would preserve the setting of the Grade II listed buildings. I therefore conclude the appeal should be allowed.

Julie Hunter

INSPECTOR