



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: 11th October 2019

Appeal Ref: APP/M4510/Z/19/3232047

Market Street, O/S No 7, City Centre, Newcastle Upon Tyne NE1 6AG

- 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 2019/0184/01/ADV, dated 29 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 dismissed.

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 I, Grade II and Grade II* listed buildings².

¹ APP/M4510/Z/19/3232057, APP/M4510/Z/19/3232063, APP/M4510/Z/19/3232050, APP/M4510/Z/19/3232045

² 1-3 Market Street, 5 Market Street, 7 Market Street, 9-17 Market Street, 34-44 Pilgrim Street.

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 within Newcastle's Central Conservation Area (CA).
7. The bus stop is comprised of a modern style lightweight 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. There are only two bus stops on this stretch of Market Street, one on the northern side of the road and the appeal site on the south. There are very few advertisements and almost no street furniture within the immediate vicinity of the existing bus stop.
8. The immediate area surrounding the appeal site is characterised by continuous four storey sandstone buildings which line both sides of the street. At ground floor level the frontages are generally more traditional than that found within the central shopping area of Northumberland Street or on the adjoining main thoroughfare of Pilgrim Street. There is a mix of sandstone with timber sash windows and traditional timber framed glazed shop fronts with sandstone pilasters. Several buildings that form the backdrop to the appeal site are Grade I, II and II* listed and as such make a significant contribution to the character and appearance of the CA which is predominantly derived from the burgage plots and the Georgian buildings of Richard Grainger.
9. 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 (ILP) for displays located within a range of area types. The proposal would accord with the ILP recommendations.
10. 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 concern relates primarily to the effect of the advertisement upon the amenity of the area including the CA and the setting of several listed buildings.
11. The appellant considers that the advertisement would be acceptable because it would be within the primary shopping area and close to a number of similar advertisements on Pilgrim Street. I acknowledge that the appeal site is in the main shopping area. However, I consider the character of Market Street to be quite different to Pilgrim Street. Whilst I agree that it is a main thoroughfare, there are very few existing advertisements or street furniture on this part of Market Street, and one is therefore able to appreciate the mainly long and uninterrupted views of the impressive sandstone buildings without the distraction of advertisements. Pilgrim Street is far busier and has an array of various signs, hoardings, street furniture and illuminated shop frontages.
12. Whilst I appreciate that there is a form of illuminated advertisement already present within the existing bus shelter, in general there are very few illuminated advertisements to the shop fronts in this part of Market Street. Furthermore, there is a distinct absence of moving advertisements in this area. Whilst the proposal would be acceptable in terms of its scale, given the size of

the existing advertisement, and the degree of illumination could be controlled to an acceptable level, the moving advertisement would in the context of the wider street scene appear out of place and intrusive failing to reflect the more simple and traditional character of this part of the CA. In addition, and for the above reason, the proposal would have a jarring and distracting effect when seen in the context of the nearby listed buildings. To this extent, I do not consider that the proposal would preserve the setting of the listed buildings.

13. Whilst the effect of the proposal on the character and appearance of the CA would be less than substantial in the context of paragraph 196 of the National Planning Policy Framework 2019 (the Framework), there are no identified public benefits that would outweigh this harm.
14. For the above reason, I conclude that the advertisement would cause harm to the character and appearance of the CA and to the setting of the listed buildings. Consequently, significant harm would be caused to the amenity of the area. Hence, the proposal would not accord with the amenity aims of Policies UC12, UC14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-30; saved Policies C2 and EN1.1 of the Newcastle Upon Tyne Unitary Development Plan 1998 and the Framework.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR