



Appeal Decision

Site visit made on 16 September 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPi

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

ALL Appeals

- 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 advertisement proposed on the application form for all Appeals is described as follows: Upgrade of existing double-sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter. The digital panels would display a sequence of static advertising images that would change no more frequently than every 10 seconds, change via smooth fade.

Appeal A – Ref: APP/M4510/Z/19/3232648

Pavement adj to Gibb Chambers, Westgate Road, Newcastle upon Tyne, NE1 5JE

- The appeal is made by Brian Jones on behalf of Clear Channel UK, against the decision of Newcastle City Council.
- The application Ref 2019/0173/01/ADV, dated 29 January 2019, was refused by notice date 10 May 2019.

Appeal B – Ref: APP/M4510/Z/19/3232656

Pavement o/s 39 Market Street, Newcastle upon Tyne, NE1 5AF

- The appeal is made by Kirstie Rowland on behalf of Clear Channel UK, against the decision of Newcastle City Council.
- The application Ref 2019/0245/01/ADV, dated 5 February 2019, was refused by notice date 10 May 2019.

Appeal C – Ref: APP/M4510/Z/19/3232652

Pavement o/s 20 – 30 Market Street, Newcastle upon Tyne, NE1 6JS

- The appeal is made by Adele Grogan on behalf of Clear Channel UK, against the decision of Newcastle City Council.
- The application Ref 2019/0244/01/ADV, dated 5 February 2019, was refused by notice date 10 May 2019.

Appeal D – Ref: APP/M4510/Z/19/3232677

Pavement opposite 90 – 92 Pilgrim Street, Newcastle upon Tyne, NE1 6SG

- The appeal is made by Mrs Kirstie Rowland on behalf of Clear Channel UK, against the decision of Newcastle City Council.
- The application Ref 2019/0161/01/ADV, dated 30 January 2019, was refused by notice date 10 May 2019.

Decision

1. Appeal A, B, C and D are allowed, and express consent is granted for the display of the upgrade of the existing double-sided advertising paper panels with double sided advertising digital panels forming an integral part of the bus shelter¹ as applied for at:

Appeal A – Pavement adj to Gibb Chambers, Westgate Road, in accordance with the terms of the application Ref 2019/0173/01/ADV, dated 29 January 2019;

Appeal B – Pavement o/s 39 Market Street, in accordance with the terms of the application Ref 2019/0245/01/ADV, dated 5 February 2019;

Appeal C – Pavement o/s 20 – 30 Market Street, in accordance with the terms of the application Ref, 2019/0244/01/ADV, dated 5 February 2019;

Appeal D – Pavement opposite 90 – 92 Pilgrim Street, in accordance with the terms of the application Ref ;2019/0161/01/ADV, dated 30 January 2019;

The consent for each Appeal 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) Notwithstanding the approved plans, the screens hereby permitted shall operate at a maximum illumination of 600 candela/sqm during daylight hours and a maximum of 300 - candela/sqm during the hours of darkness.
- 2)Notwithstanding the approved plans, the displays hereby permitted shall not change more than once every 10 seconds.
- 3)No part of the advertisement(s) to which this consent relates shall contain any prismatic, scrolling or other moving components, images or special effects.

Appeal Procedure – Appeals A to D

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters – Appeals A to D

3. In these Appeals, each proposal will be considered on its individual merits. As they raise similar issues and to avoid duplication, they are dealt with in a single decision letter.
4. The name of the applicant has been taken from the application form, this is the name that appears on the Councils decision notice.

Main Issue – Appeals A to D

5. The main issue in all the Appeals is the effect of the proposed advertising panels on the visual amenity of the area, including the effect on the Central Conservation Area (CA) in Appeal A, B and C as well as the setting of nearby listed buildings in Appeal D.

¹ The description has been amended for clarity.

Reasons for the Recommendation – Appeals A – D

6. In each Appeal, the proposal seeks to replace the existing two-sided illuminated paper advertisement display with a double-sided liquid crystal digital display in 4 separate locations throughout Newcastle city centre. The rate of transition between the images being no more frequent than every 10 seconds via a smooth fading action. The proposed digital display would be moderately smaller in scale than the existing.

Appeal A - Pavement adj to Gibb Chambers, Westgate Road

7. The existing bus shelter is located in a busy city centre location within the Central CA. It sits adjacent to Gibb Chambers, a listed building and is also nearby to other listed buildings. The character of the area is derived from the historic and architectural features of the surrounding buildings which feature large commercial buildings some of which have pubs and restaurants at ground floor. At street level the area contains modern street furnishings including, lighting columns, signage boards, the existing bus shelter, with existing illuminated advertisement display, kiosks and a utility box. At the time of the site visit, mid-afternoon of a weekday, the area was busy with high levels of pedestrian and vehicle traffic.
8. The replacement of the existing illuminated display at this location with one that displays illuminated images would not increase the visual prominence of the advert. The area is serviced by a number of street lighting columns and given the nature of the nearby pubs and restaurants the area is well lit. The appellant has confirmed that the levels of illumination are in line with the guidelines provided by the Institute of Lighting Professionals (ILP). The proposal in terms of its size, position, illumination, would not have a materially greater impact on the visual amenity or the character of the area as the illuminated display it would replace. The general interests of amenity would be upheld.
9. The Central CA area along with the adjacent and nearby listed buildings are signified by their architectural merits, layout and historic importance. Whilst there would be an element of change in regard to the proposal in terms of its size and digital display, its prominence in the streetscape as a result of its siting, size and luminosity would not result in significant adverse harm. As such there would be no greater material effect on the character or appearance of the CA nor to the setting of the adjacent and nearby listed buildings. The proposal would, therefore, preserve the character and appearance of the CA and the setting of the adjacent and nearby listed buildings.

Appeal B- Pavement o/s 39 Market Street

10. The site is located in a busy commercial area of the city centre. The site sits within the Central CA and directly outside a listed building. The area contains large terraced buildings with commercial units at ground floor. These units contain a mix of uses including shops, bars, and restaurants. Within the streetscape there is a number of modern elements of street furniture including, the existing bus shelter with illuminated advert display, waste bins, street lighting columns, signage, utility box and cycle stand. On the opposite side of the road is a similar bus shelter with an illuminated advert which is the subject of Appeal C.
11. The replacement of the existing illuminated display at this location with one that displays digital illuminated images would not increase the visual prominence of the advert. The area is serviced by a number of nearby street lighting columns and due to the number and mix of commercial units at ground floor level, including the nearby bars and

restaurant, the area is well lit. The digital display levels of illumination would be in accordance with the guidance from the ILP. Having regard to the context of the site, the size, position, and levels of illumination, the proposal would not appear anymore prominent or overbearing on the visual amenity as the illuminated display it would replace. The general interests of amenity would be upheld.

12. The area of the Central CA and the adjacent and nearby listed buildings are defined by the architectural merits and layout of the buildings. The proposal, as a result of its size and levels of illumination, would not appear out of place nor overly prominent, particularly given the character and appearance of the existing streetscape. The proposal would have a neutral effect on the character and appearance of the CA and the setting of the adjacent and nearby listed buildings. The proposal would therefore preserve the character and appearance of the CA and the setting of the adjacent and nearby listed buildings.

Appeal C – Pavement o/s 20 – 30 Market Street

13. The site is located in a busy commercial area of the city centre. It sits within the Central CA and outside the entrance to the Central Arcade, which is a listed building. The area contains large terraced buildings with commercial units at ground floor. These units contain a mix of uses including shops, bars, and restaurants. Within the immediate streetscape there is a proliferation of street furniture including, the existing bus shelter with illuminated advert display, waste bins, street lighting columns, signage, utility box and cycle stand. On the opposite side of the road is a similar bus shelter and illuminated advert which is the subject of Appeal B.
14. The replacement of the existing illuminated display at this location with one that displays digital illuminated images would not increase the visual prominence of the advert. The area is heavily illuminated due to the nearby ground floor commercial units and nearby bars and restaurant, which operate well into the evening. The appellant has confirmed that the levels of illumination would be in accordance with the guidance from the ILP. Having regard to the size, position, and levels of illumination, the proposal would not appear anymore prominent or overbearing within the streetscape as the illuminated display it would replace. The general interests of amenity would be upheld.
15. The area of the Central CA and the adjacent listed building is defined by the architectural merits and layout of the buildings. Whilst there would be an element of change in regard to the proposal in terms of its size and digital display this would not result in significant adverse harm to the character and appearance of the CA or to the nearby setting of the listed buildings. As such the proposal would, therefore, preserve the character and appearance of the CA and the setting of the adjacent and nearby listed buildings.

Appeal D – Pavement opposite 90 – 92 Pilgrim Street

16. The area is located on the outer edge of a busy commercial street near to a busy highway juncture in the city centre. The area is adjacent to a flattened site and opposite several listed buildings. The area is characterised by its large buildings with a number containing commercial units at ground floor. These contain a mix of uses including shops, bars, and restaurants. Within the streetscape there is modern street furniture including, the existing bus shelter with illuminated advertisement display, street lighting columns, highway signage, planters and bollards.

17. The replacement of the existing illuminated display at this location with one that displays digital illuminated images would not increase the visual prominence of the advert. The shelter is set back from the highway due to the bus layby. The area appeals well-serviced with street and highway lighting columns. The appellant has confirmed that the levels of illumination would be in accordance with the guidance from the ILP. Having regard to the size, position, and levels of illumination, the proposal would not appear anymore prominent or overbearing within the streetscape as the illuminated display it would replace. The general interests of amenity would be upheld.
18. The listed buildings which sits opposite and nearby to the site are defined by their architectural merits and layout of the buildings. As a result of the moderate changes to the proposal in terms of its size and digital display, it would not by way of its siting, size and levels of illumination result in significant adverse harm to the setting of the nearby listed buildings. As such the proposal would, therefore, preserve the setting of the adjacent and nearby listed buildings.

Conditions – Appeals A to D

20. The Council do not object to the proposal in terms of highway safety subject to a number of conditions. These seek to control the levels of illuminance during the day and night; that the advertisement shall contain no moving component, images or special effects; that the display will not change more than once every 10 seconds. These conditions are necessary and reasonable in order to protect highway safety and visual amenity of the area and have been attached alongside the standard five conditions.

Conclusions and Recommendations – Appeals A to D

21. In Appeal A, B, C and D, the proposal would not have a harmful effect on visual amenity. In reaching this finding, account has been given to the National Planning Policy Framework; Policies UC12, UC14, UC16 and CS15 of the Planning for the Future, Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015); saved Policies C2 and EN1.1 of the Newcastle upon Tyne Unitary Development Plan and the Supplementary Planning Document - *Central Conservation Area Management Plan*, which are considered material in this case. Given that it has been concluded that the proposal would not harm amenity, the proposals do not conflict with these.

For the reasons given above the proposal in Appeal A, B, C and D are acceptable subject to the conditions above. Appeal A, B and C would preserve the character and appearance of the Central CA and the setting of the nearby listed buildings in Appeal A, B, C and D. It is therefore recommended that all Appeals are allowed, subject to the five standard conditions and the additional ones as set out above.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision – Appeals A to D

22. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, I too agree and conclude that the Appeals should be allowed subject to conditions above.

A U Ghafoor INSPECTOR