



Appeal Decision

Site visit made on 11 November 2019 by S Witherley

Decisions by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 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.
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Appeal A – Ref: APP/M4510/Z/19/3232692

Pavement North of Blackett Street, Adjacent to Eldon Square, West of War Memorial, Newcastle upon Tyne, NE1 7UG

- The appeal is made by Mrs Kirstie Rowland on behalf of Clear Channel UK, against the decision of Newcastle City Council.
 - The application Ref 2019/0164/01/ADV, dated 29 January 2019, was refused by notice date 10 May 2019.
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Appeal B – Ref: APP/M4510/Z/19/3232694

Pavement North of Blackett Street, Adjacent to Eldon Square, East of War Memorial, Newcastle upon Tyne, NE1 7UG

- The appeal is made by Mrs Kirstie Rowland on behalf of Clear Channel UK, against the decision of Newcastle City Council.
 - The application Ref 2019/0167/01/ADV, dated 29 January 2019, was refused by notice date 10 May 2019.
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Appeal C – Ref: APP/M4510/Z/19/3232700

Pavement Adjacent to, Greggs 44B - 44C Blackett Street, Newcastle upon Tyne, NE1 7UG

- The appeal is made by Mrs Kirstie Rowland on behalf of Clear Channel UK, against the decision of Newcastle City Council.
 - The application Ref 2019/0176/01/ADV, dated 29 January 2019, was refused by notice date 10 May 2019.
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Decisions

1. Appeals A, B, and C 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 North of Blackett Street, Adjacent to Eldon Square, West of War Memorial;

Appeal B – Pavement North of Blackett Street, Adjacent to Eldon Square, East of War Memorial;

Appeal C – Pavement Adjacent to Greggs 44B - 44C Blackett Street.

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 advertisements to which this consent relates shall contain any prismatic, scrolling or other moving components, images or special effects.

Appeal Procedure – Appeals A to C

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 C

3. The Appeals relate to three separate proposals for the installation of a double-sided advertising digital panel located in an end panel of an existing bus shelter. Whilst each Appeal relates to a different proposal, the proposed digital panels are identical, and the sites are on the same road being a few metres apart from one another. Each proposal will be considered on its individual merits, but as they raise similar issues, the Appeals will be 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 Council's decision notice.
5. The address in Appeal A, B and C has been taken from the Council's decision notice as this more accurately describes the site location.
6. It was noted at the time of the site visit that the display placed on the outer facing panel of the integral bus shelter was a digital display panel displaying a sequence of static

¹ The description has been amended for clarity.

advertising images. However, the Council has noted that consent has not been granted for that digital display and I have taken that into account in making my assessment.

Main Issue – Appeals A to C

7. The main issue in all the Appeals is the effect of the proposed advertising panels on the visual amenity of the area, having particular regard to the setting of nearby listed buildings.

Reasons for the Recommendation – Appeals A – C

8. In each Appeal, the proposal seeks to replace an existing two-sided illuminated paper advertisement display with a double-sided liquid crystal digital display. 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.
9. All three Appeals are located along Blackett Street, a busy city centre location. Appeal A and B sit in front of Old Eldon Square, a green and open public amenity area. In its centre is a listed war memorial. Appeal C sits to the east of the Square outside Greggs bakery which is located in the right return of an end of terrace property which bounds the east side of the Square. The properties within this terrace are listed and are Georgian in style and were built using traditional ashlar sandstone. All Appeals sit opposite and across the highway from the large modern Eldon Square shopping centre.
10. The replacement of the existing internally illuminated display with one that displays illuminated images would not increase the visual prominence of the advert in the locations proposed. The advertisements would still appear as an integral part of the bus shelter design. At street level there is a proliferation of modern street furnishings including, lighting columns, signage boards, utility boxes, bollards, railings, bus shelters, with existing internal illumination, and a kiosk with illuminated signage. In addition, on approach to the Appeal sites and from across the highway there are numerous glazed shop fronts at ground and first floor level. These vary in scale with the majority having some kind of internal lighting scheme. As a result, the area is well lit and the use of lighting in the advertisements would not be out of character in that context. The appellant confirms that the digital display levels of illumination would be in accordance with the guidance from the Institute of Lightening Professionals (ILP). Having regard to the context of the site, the size, position, and levels of illumination, the proposal, in Appeal A, B and C 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.
11. As well as being close to a number of listed buildings, the Appeals are located close to the Central Conservation Area (CA). This area along with the 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 proposed signs in terms of size and digital display, given the siting, size and proposed levels of luminosity, along with the separation distance from within the CA, the alteration would not result in material harm to the character and appearance of the CA. Similarly, there would no greater material effect upon the setting of the nearby listed buildings. The proposals would, therefore, preserve the character and appearance of the nearby CA and the setting of the nearby listed buildings.

Conditions – Appeals A to C

12. 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 C

13. In Appeal A, B, and C, 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, 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, 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.
14. For the reasons given above the proposal in Appeal A, B, and C are acceptable subject to the conditions above. Appeal A, B and C would preserve the character and appearance of the nearby Central CA and the setting of the nearby listed buildings in Appeal A, B, and C. 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 C

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

Chris Preston

INSPECTOR