



Appeal Decision

Site visit made on 2 June 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal A Ref: APP/M4510/Z/20/3248317

28-30 Neville Street, Newcastle upon Tyne NE1 5DF

- 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 Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Newcastle City Council.
- The application Ref 2019/1089/01/ADV, dated 6 August 2019, was refused by notice dated 24 February 2020.
- The advertisement proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub.

Appeal B Ref: APP/M4510/Z/20/3248320

117 Newgate Street, Newcastle upon Tyne NE1 5RZ

- 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 Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Newcastle City Council.
 - The application Ref 2019/1089/01/ADV, dated 6 August 2019, was refused by notice dated 24 February 2020.
 - The advertisement proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub.
-

Decisions

1. Both appeals are allowed, and express consent is granted for the display of a single illuminated sequential display affixed to the frame of the communication hub at:

Appeal A – 28-30 Neville Street, Newcastle upon Tyne NE1 5DF;

Appeal B – 117 Newgate Street, Newcastle upon Tyne NE1 5RZ.

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 and B

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

Procedural Matters

3. The appeals before me relate to two separate proposals for the display of a single illuminated sequential display affixed to the frame of the communication hub. Whilst each appeal relates to a different proposal, the single illuminated sequential display proposed are identical, and the sites within the same conservation area. Each proposal has been considered on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
4. Both appeals are within the Central Conservation Area (the 'CA') are within the settings of nearby listed buildings. The Planning Act¹ requires in assessment of an advertisement appeal, in so far as it relates to the consideration of 'amenity', which includes visual amenity. In that regard I have paid special attention to the desirability of preserving or enhancing the character or appearance of a CA.

Main Issue – Appeals A and B

5. The main issue in both Appeals is the effect of the proposed advertisement on the visual amenity of the area, having particular regard to the setting of nearby listed buildings and whether the advertisement would preserve or enhance the character or appearance of the CA.

Reasons for the Recommendation

Appeal A

6. As stated in paragraph 3 above, the proposal is for the display of a single illuminated sequential display affixed to the frame of a previously approved digital communication hub. It would be located on the pavement of Neville Street, just outside of the Grade II listed County Hotel and directly opposite the Grade I listed Newcastle Central Railway Station which are within the CA. Both properties are Victorian in style and were constructed with traditional sandstone. The character of the area is derived from the historic and architectural features of the surrounding buildings which feature large buildings most of which have pubs and restaurants at ground floor. At the time of the site visit, mid-morning of a weekday, despite lockdown restrictions the area was relatively busy with pedestrian and vehicle traffic giving the appearance of a busy city centre.
7. At street level there is a proliferation of modern street furnishings including, lighting columns, traffic lights, signage boards, utility boxes, bollards, bus shelters and taxi rank serving the Central Station. In addition, as mentioned

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

above there are numerous glazed shop fronts at ground which include Starbucks Coffee which is part of County Hotel and directly opposite the proposal site and the arched entrances of Central Station are fitted with modern glass material. These frontages vary in scale, with the majority having some kind of internal lighting scheme. As a result, the area is well lit and the illuminated sequential display which would be about two square metres in size would not be out of character in that context. The appellant confirms that the advertisement display level 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 would not appear visually prominent or overbearing at the location proposed. The general interests of amenity would be upheld.

8. The Central CA area along with the adjacent and nearby listed buildings are signified by their architectural merits, layout and historic importance. By virtue of its siting, size and luminosity compared with other surrounding features, the proposal would not appear prominent in the streetscape. The advert would be set within the rear panel of the previously approved kiosk and would not alter the dimensions of that modern structure. In the context of that existing consent and the nature of the area in which historical assets are set within a modern streetscape with a number of adverts and other paraphernalia, the introduction of the advert would have a limited visual impact and would not alter the prevailing character of the area. The listed buildings would still be viewed in a modern streetscape and the proposal would not add clutter or visually interfere with the way those buildings are appreciated in their setting. The proposal would, therefore, preserve the character and appearance of the CA and the setting of the adjacent and nearby listed buildings.

Appeal B

9. The proposal would be located on the pavement of Newgate Street, almost directly adjacent the Grade II listed Co-Operative Building and further down the road south of the Grade I listed Church of St. Andrew which are within the CA. Both properties are, constructed with traditional sandstone. The character of the area is derived from the historic and architectural features of the surrounding buildings, but also large-scale modern buildings are a significant feature in the street scene here, including Debenhams department store on the edge of the Eldon Square Shopping Centre and The Gate complex. The Co-Operative Building has shops, a gym entrance and restaurants at ground floor and is also partly occupied by Premier Inn. At the time of the site visit, mid-morning of a weekday, despite lockdown restrictions the area was relatively busy with pedestrian traffic giving the appearance of a busy urban commercial centre.
10. At street level there is a proliferation of modern street furnishings including, lighting columns, a large glass and steel sculpture, signage boards, utility boxes and bus shelters with existing internal illumination. In addition, the proposal would be viewed against the backdrop of the completely glazed 'The Gate' building which also has large illuminated signage. Existing advertising near to the appeal site includes higher level illuminated signage to the Premier Inn and Debenhams and ground floor fascia and wall signs consistent with the predominantly retail character of the area. As a result, the area is well lit and the illuminated sequential display which would be about two square metres in size would not be out of character in that context. The appellant confirms that

the advertisement display level 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 would not appear visually prominent or overbearing at the location proposed. The general interests of amenity would be upheld.

11. The Central CA area along with the adjacent and nearby listed buildings are signified by their architectural merits, layout and historic importance. As noted above, this part of the CA is a modern commercial centre where new department stores have a significant impact and items of street furniture are not uncommon. The listed buildings are viewed in that context. The site is also a fair distance from the Church of St. Andrew and there are numerous items of street furniture between the site and the listed structure which all form part of its setting. As with Appeal A, the advert would be set within the rear panel of the previously approved kiosk and would not alter the dimensions of that modern structure. By virtue of its siting, size and luminosity compared with other surrounding features, the proposal would not appear prominent in the streetscape and the introduction of the advert would have a limited visual impact and would not alter the prevailing character of the area. The listed buildings would still be viewed in a modern streetscape and the proposal would not add clutter or visually interfere with the way those buildings are appreciated in their setting.
12. The proposal would, therefore, preserve the character and appearance of the CA and the setting of the adjacent and nearby listed buildings.

Other Matters – Appeals A and B

13. Within the respective officer reports the Council states that its decisions to refuse to grant consent have had regard to recent appeal decisions for other similar proposals. However, no details of those other appeals have been provided and I have made my assessment and recommendation based on the individual merits of each proposal and the site-specific circumstances of each location.

Conditions – Appeals A and B

14. The Council do not object to the proposals 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.

Conclusion and Recommendation – Appeals A and B

15. In both appeals, 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.

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision – Appeals A and B

17. 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