The Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2020 by S Witherley

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/M4510/Z/20/3250166
Rotary Way, Newcastle upon Tyne NE3 5EH

- 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 OPS Catering Ltd, against the decision of Newcastle City Council.
- The application Ref 2020/0073/01/ADV, dated 16 January 2020, was refused by notice dated 10 March 2020.
- The advertisement is: Display of 1 no. internally illuminated standalone sign.

Decision

1. The appeal is allowed, and express consent is granted for the display of 1 no. internally illuminated standalone sign at Rotary Way, Newcastle upon Tyne, NE3 5EH, in accordance with the terms of application Ref 2020/0073/01/ADV, dated 16 January 2020. 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.

Appeal Procedure

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.

Preliminary Matters

3. The Council's decision notice referred to Saved Policy EN1.1 of the Unitary Development Plan. This has now been superseded by Policies DM20 and DM21 of the Development and Allocations Plan (2015 -2030) (DAP) which was adopted on the 24 June 2020. Whilst policies of the development plan are not determinative in advertisement appeals, where proposals must be assessed in relation to their impact on amenity and highway safety, I have had regard to relevant policies insofar as they are relevant to the appeal. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal the Council's policies have not, therefore, by themselves, been decisive. Both main parties have had opportunity to comment on the revised policy position.

4. It was noted at the time of my site visit that the sign was in situ.

Main Issue

5. The effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is located at the entrance of a small commercial centre near to the exit onto the busy Rotary Way roundabout located on the A1056. The commercial centre contains a mix of services including MacDonald's, Costa coffee, and a fuelling station. Illuminated advertisement signage is not uncommon at this location with the proposal being located adjacent to other freestanding illuminated advertisements.

7. The proposal is small in scale when compared with the adjacent advertisements and is visually contained within the site context. As such it does not unduly increase the visual clutter as it is contained between two larger existing and authorised signs. Any visual effect would be localised to the immediate area and in any event, this is an established commercial area next to a busy road and is not subject to any form of statutory protection.

8. I consider that the advertisement does not adversely affect the visual amenity of the area and therefore am satisfied that there is no conflict with Policy CS15, of the Planning for Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010- 2030 (2015), and Policies DM20 and DM21 of the DAP, which taken together, principally seek to ensure that proposals relate appropriately to the character and appearance of their location. These policies are consistent with paragraph 132 of the Framework, which guards against poorly sited and designed advertisements.

Conclusion and Conditions

9. As the scheme is in place, the standard conditions are relevant, but it is not necessary to impose a separate condition specifying the approved plans.

10. For the reasons given above, and having regard to all other matters raised, I recommend the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, the appeal should be allowed.

Andrew Owen

INSPECTOR