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## Appeal Decision

Site visit made on 30 September 2020

**by J Hunter BA (Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 October 2020**

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**Appeal Ref: APP/M4510/Z/20/3256149**

**Land at New Bridge Street, Junction with Clarence Street,  
Newcastle Upon Tyne NE1 2SY**

- 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 Global against the decision of Newcastle-upon-Tyne City Council.
  - The application Ref 2020/0335/01/ADV, dated 21 February 2020, was refused by notice dated 19 June 2020.
  - The advertisement proposed is described as upgrade of 1no. poster panel to digital LED display.
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### Decision

1. The appeal is allowed and express consent is granted for the upgrade of 1no. poster panel to digital LED display as applied for. 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 and the following additional conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: NCS-003/001, NCS-003/002, NCS-003/003.
  - 2) Notwithstanding the approved plans, no part of the digital displays hereby permitted shall contain any prismatic, scrolling or other moving components, images or special effects.
  - 3) Notwithstanding the approved plans, the digital displays hereby permitted shall not change more than once every 10 seconds.
  - 4) The intensity of the illumination of the sign permitted by this consent shall be no greater than within that recommended by the Institute of Lighting Professionals for a sign within Zone 4 in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).

### Main Issue

2. The Council has not raised any concerns in relation to public safety. Therefore, the main issue in this appeal is the effect of the proposal on the amenity of the area including the setting of Gibson Street Baths, a Grade II listed building.

### Reasons

3. The appeal site is a narrow strip of land that lies between New Bridge Street and the railway cutting that carries the mainline and metro train lines. The

surrounding area is characterised by commercial property and student accommodation. The location has a busy urban character.

4. The proposal would see the replacement of an existing illuminated advertisement with an LED display. The new display would be the same width and height as the existing. It would be positioned in the same location on the appeal site as the existing advertisement. Having regard to the size and characteristics of the existing advertisement display and its context, I do not consider that the proposed advertisement would appear more prominent or dominant than that existing.
5. I have taken into account that the existing advertisement display is backlit and that the proposed LED advertisement would have the potential to appear brighter. The appellant has suggested a planning condition to limit the level of illumination that is commensurate with the recommendations of the Institute of Lighting Professionals. I am content that such levels of illumination for the proposed replacement advertisement display would not adversely affect the amenities of nearby residents.
6. I note the Council's concern in relation to the setting of Grade II listed Gibson Street Baths, located approximately 80metres to the east of the appeal site. It will be possible to view the advertisement in the same context as the listed building from some vantage points, predominantly to the west. Nevertheless, the positioning of the signage is such that the display faces away from the building. Given that the proposed advertisement would be no larger or more prominent than the existing advertisement and acknowledging its orientation I consider that overall, it would have a neutral effect on the setting of the listed building.
7. Accordingly, I conclude that the advertisement would preserve the setting of the nearby listed building. Furthermore, it would be acceptable in in both amenity and public safety terms. The advertisement would therefore accord with the amenity and public safety aims of Policies UC12, UC14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30, and saved Policy EN1.1 of the Newcastle Upon Tyne Unitary Development Plan 1998 and the National Planning Policy Framework.

### **Conditions**

8. For the avoidance of doubt, it is necessary to also impose a planning condition relating to the proposed drawings and specification. In the interests of highway safety and amenity, a planning condition is necessary which prohibits moving images, the frequency of the image changes and limits the level of illumination.

### **Conclusion**

9. For the reasons outlined above, and taking into account all other matters raised, the proposed advertisement would not have a detrimental impact upon the amenity of the area and would preserve the setting of the Grade II listed building. I therefore conclude the appeal should be allowed.

*J Hunter*

INSPECTOR

