



Appeal Decision

Site Visit made on 14 September 2021

by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Appeal Ref: APP/W4515/Z/21/3281461

Buzz Bingo, Middle Engine Lane, Wallsend NE28 9NT

- 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 Alight Media Ltd against the decision of North Tyneside Council.
 - The application Ref 21/01226/ADV, dated 9 May 2021, was refused by notice dated 19 July 2021.
 - The development proposed is Installation of 2 x 48 sheet freestanding digital advertising display units, measuring 6.4m wide x 3.4m high, and comprising pressed metal frames and sealed LED screens, mounted in a double sided format on a central supporting monopole.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposal on amenity and public safety.

Reasons

Amenity

4. It is proposed to erect 2 x 48 sheet free-standing digital advertising unit which would sit on a central supporting monopole around 3 metres from ground level. The advertisement itself would be about 3.4 metres high by 6.4 metres wide. The units would comprise a pressed metal frame in which 'LED' tiles would be mounted. The advertisement would be positioned on the corner of a large carpark and facing toward the Middle Engine Lane, a relatively busy thoroughfare.
5. The proposal would be highly visible from Middle Engine Lane and from the residential properties that back onto the road. Owing to its substantial scale, position, overall height and use of illuminated colours, the advertisement would have a dominating and intrusive impact when viewed from nearby vantage points.

6. I acknowledge the appellant's submissions that there are examples of similar advertisements around the North East, particularly in urban locations such as this appeal site. Nonetheless, I noted during my site visit that the area surrounding the appeal site has a distinct lack of large scale prominent advertisements. The advertisements that are visible are predominantly fascia signs or totem advertisements for local businesses which appear relatively discreet. In contrast, I consider that due to its scale and illumination, the proposed advertisement would be seen in stark contrast to the backdrop of the open carpark beyond and it would dominate this part of the street scene.
7. Consequently, I conclude that the proposed advertisement would cause significant harm to the amenity of the area. Therefore, it would not accord with Policy DM6.3 of the North Tyneside Local Plan (2017) NTLP which seeks to ensure that advertisements are appropriate to their location.

Public Safety

8. The proposed advertisement would lie approximately 140metres east of a four spur roundabout and around 110m east of a Toucan crossing. The Council are concerned that the advertisement could distract road users leading to an unacceptable impact on highway safety.
9. The submitted Highway Feasibility Study assesses the potential impact of the advertisement from some vantage points and at three distances. However, I would concur with the Council's submission that further assessment of the views towards the advertisement site from various points running up to the crossing would have provided a more robust assessment.
10. Furthermore, I am not convinced that the diagrams provide a true reflection of the visibility of the proposed advertisement because it is not clear whether the depiction of the advertisement (shown as a red rectangle) is to scale. Therefore, I cannot be certain that the proposed advertisement would not distract road users thus having a harmful effect on public safety contrary to the highway safety aims of Policy DM6.3 of the NTLP.

Conclusion

11. For the reasons outline above and taking not account all other matters raised I conclude the appeal should be dismissed.

J Hunter

INSPECTOR

