



Appeal Decisions

Site visit made on 18 January 2022

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal A Ref: APP/M4510/H/21/3286458

Pavement between 78-92 and 72-76 Northumberland Street, Newcastle NE1 7DF

- 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 J C Decaux UK Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1027/01/ADV, dated 14 May 2021, was refused by notice dated 5 October 2021.
 - The advertisements proposed are 2 No. internally illuminated digital display screens.
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Appeal B Ref: APP/M4510/W/21/3286457

Pavement between 78-92 and 72-76 Northumberland Street, Newcastle NE1 7DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J C Decaux UK Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1028/01/DET, dated 14 May 2021, was refused by notice dated 21 September 2021.
 - The development proposed is the erection of a freestanding open access communication structure with an integral defibrillator and digital screens.
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Decision

1. Appeal A is allowed, and express consent is granted for the display of 2 No. internally illuminated digital display screens 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 3 supplementary conditions set out in the attached schedule to this Decision.
2. Appeal B is allowed, and planning permission is granted for the erection of a freestanding open access communication structure with an integral defibrillator and digital screens at the pavement between 78-92 and 72-76 Northumberland Street, Newcastle NE1 7DF, in accordance with the terms of the application, Ref 2021/1028/01/DET, dated 14 May 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule to this Decision.

Preliminary Matters

3. These appeals relate to the same appeal site. I have determined each on its individual merits. However, as they raise similar issues and have interdependencies I have dealt with them in a single Decision letter.

4. I have relied on the description cited on the decision notice as this is a more concise and accurate description of the proposals which were submitted.
5. The Council has referenced policies that it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination of Appeal A.

Main Issues

6. The main issues are the effect on:
 - the character and appearance of the area, with particular regard to visual amenity
 - the movement and safety of users of the highway, with particular regard to scale, design and siting

Reasons

Character and appearance

7. The appeal proposals would be situated in an extensive pedestrianised area, one of the City's main shopping streets. Street furniture in the form of seating, litter bins, lamp columns, signage and other freestanding advertisements and communication hubs are common place along the length of Northumberland Street. These tend to be positioned in clusters along the central zone of this main shopping street. Northumberland Street is a relatively long pedestrianised thoroughfare. Their presence contributes to the bustling commercial character and appearance of this street scene.
8. By virtue of their scale, simple form, positioning and orientation, the appeal proposals would not interrupt views of any buildings or vistas of historic or visual merit. The appeal proposals' size, placement, materials, external finish as well as the intensity of illumination of the digital displays would not be discordant with this commercial context. There are similar features elsewhere in the vicinity of the appeal site and therefore neither the hub or the proposed digital displays would be unexpected alien features in this street scene.
9. The positioning of the appeal proposal would not be discordant with the existing pattern and placement of street furniture within this street scene. The expanse of this pedestrianised area in terms of both its length and width relative to the appeal proposals means that they would not have a cramped disposition. Overall, I do not find that the appeal proposals would tip the balance and represent an unacceptable proliferation of free standing structures and advertisements which would cause visual clutter. Moreover, the digital displays would add to the vibrant character of this busy commercial street scene.
10. For these reasons, the appeal proposals would not harm the character and appearance of the area, with particular regard to visual amenity.
11. Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 ("the Core Strategy") requires that development responds positively to local distinctiveness and character and

respects significant views and the setting of heritage assets. Policy UC5 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 ("the DAP") designates this street as a primary pedestrian route where priority will be given to pedestrian links and facilities to ensure an attractive area. Policy UC12 of the DAP states that development will be designed to respect and enhance the positive characteristics and context. Policy DM10 of the DAP requires development to provide attractive continuous pedestrian links. Furthermore, Policy DM20 of the DAP requires developments to use colours and tones appropriate to the characteristics of the area and take a co-ordinated approach to development. In the absence of harm, there is no conflict with these policies.

Public safety and movement

12. The Council has not raised objection to the effect of the proposed digital displays on public safety and in view of their orientation, scale and illumination I have no cause to find otherwise. The Council's concern in this regard rests with the hub structure itself in terms of the free flow of pedestrians.
13. The appeal proposals would be positioned in a manner not dissimilar to the rhythm of the street furniture. The positioning of existing street furniture along Northumberland Street, including in the vicinity of the appeal site, is such that it causes pedestrians to navigate their way past and across these. There would continue to be sufficient room for pedestrians, service and emergency vehicles to comfortably pass between the shop fronts and proposed hub structure. Furthermore, there would be sufficient space for pedestrians to comfortably pass those congregating at the proposed hub.
14. Moreover, the appeal proposals would be clearly apparent to on comers by virtue of their height, width, depth and orientation. Furthermore, they would be of a scale, design and illumination that are evident elsewhere in the city centre street scene and would not be alien features which would be unduly distracting to on comers. The proposed hub structure would be at a distance from any vehicular highway and its positioning and scale would not render it to be distracting to motorists.
15. For the reasons given, the appeal proposals would not harm the movement and safety of users of the highway, with particular regard to scale, design and siting.
16. Policy CS13 of the Core Strategy seeks to ensure that development provides for direct, safe, secure and continuous pedestrian links. Policy CS15 of the Core Strategy requires development ensures connectivity and accessibility as well as creating safe and inclusive environments. Policy UC5 of the DAP designates this street as a primary pedestrian route where priority will be given to pedestrian links and facilities to ensure a safe and better linked area. Policy DM10 of the DAP requires development to provide safe, continuous pedestrian links. Furthermore, Policy DM20 of the DAP requires developments provide safe and inclusive spaces. In the absence of harm, there is no conflict with these policies in this regard.

Other Matters

17. The Council has stated in the Officer Report that Northumberland Street is currently part of the first phase of a city centre transformation project, with the

imminent implementation of new plans. They have stated that as part of that project they intend revisiting all street furniture. They have argued that the appeal proposals will undermine the approach to improving the public realm and that no benefit to it will be provided. However, the Council has also confirmed that this project does not form part of the development plan for the area. Furthermore, no details have been advanced to articulate their intentions and specific timescales are unknown. Therefore, no substantive evidence has been provided to demonstrate the Council's stance. Crucially, I have found no harm to the character and appearance of the area in terms of visual amenity. In the absence of conclusive evidence, these arguments do not alter my findings.

18. Paragraph 114 of the National Planning Policy Framework ("the Framework") states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communications networks. This weighs in favour of Appeal B.
19. The proposed communication hub would include a defibrillator, data connection point and further services which are benefits. However, as there are others already located in the vicinity this attracts limited weight in favour of Appeal B.

Conditions

20. In terms of Appeal A, the standard advertisement conditions are necessary in the interests of safeguarding visual amenity and public safety. A further condition is necessary to control the display of prismatic, scrolling or other moving components, images or special effects and the smooth transition between advertisements in the interests of public safety. I also find that a condition is necessary to control the intensity of the illumination of the advertisement to that specified by the appellant in the interests of visual amenity.
21. In terms of Appeal B, in addition to the standard time limit, a condition requiring the development to be carried out in accordance with the approved plans specified is necessary as it provides certainty. Given the nature and location of the appeal proposal a pre-commencement condition requiring the submission for approval and subsequent implementation of a Construction and Maintenance Method Statement is necessary.

Conclusion

22. For the reasons given, I conclude that the appeal proposals would not be detrimental to either visual amenity or public safety. In the absence of harm there is no conflict with the development plan when taken as a whole. Consequently, both Appeal A and Appeal B should be allowed.

C Dillon

INSPECTOR

Appendix 1

Appeal A: Schedule of conditions to supplement the 5 standard conditions for advertisements

6. No part of the advertisement to which this consent relates shall contain any prismatic, scrolling or other moving components, images or special effects.
7. No individual advertisement shall be displayed for a duration of less than 10 seconds. Transition shall be not less than one second between static images.
8. The intensity of the illumination of the advertisement to which this consent relates shall be no greater than 600Cdm² during hours of darkness.

Appendix 2

Appeal B: Schedule of conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan contained in Communication Hub Proposals May 2021 Site Maps and Visuals Site 9 between 78-92 and 72-76 Northumberland Street, Newcastle

Unit elevations and visual imagery details contained in the Hub Detail New Sites document

3. Development shall not commence until a Construction and Maintenance Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction and Maintenance Method Statement shall be adhered to throughout the construction period and when maintenance is carried out. The Construction and Maintenance Method Statement shall, where applicable, provide for:
 - i. details of any temporary traffic management measures required
 - ii. access routes and vehicles
 - iii. the parking of vehicles of site operatives and visitors
 - iv. the loading and unloading of plant and materials during construction and maintenance
 - v. the use and operation of the public information display and telephone
 - vi remediation of the site upon removal of the hub structure.