



Appeal Decision

Site visit made on 15 March 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/M4510/Z/21/3289278

**Land adjacent to Burgess House, 93-105 Saint James Boulevard,
Newcastle upon Tyne NE1 4BW**

- 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 Mr M Wilkinson of Infinity Outdoor Ltd against the decision of Newcastle Upon Tyne City Council.
- The application Ref 2021/1728/01/ADV, dated 30 August 2021, was refused by notice dated 27 October 2021.
- The advertisement proposed is described as: 'A free standing digital display unit in portrait format situated in the car park on St. James Boulevard, NE1'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have, in part, used the address set out on the Local Planning Authority's (LPA) decision notice as this appears to be a more accurate reflection of the site's location.
3. The LPA has drawn my attention to the development plan policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations¹ 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 LPA's policies have not therefore, by themselves, been decisive.

Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

5. The appeal relates to an area of land within a car park to the immediate south of Burgess House, a five-storey building, and on the eastern side of St James Boulevard. The surrounding area has a mixed commercial character with a number of leisure and office uses, including a casino and a large gym. St James Boulevard provides a major transport route into the city centre on the approach from the south after crossing the Tyne over the impressive Redheugh Bridge.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. The car park to the immediate south of Burgess House provides a spacious sense of openness which allows extensive views from the south and southwest, creating a strong sense of arrival at this edge of city centre location. It is clear that the surrounding area has benefited from significant investment in recent years with the introduction of a number of large buildings of contemporary design. At this location the obvious design of the boulevard with its wide carriageway and treelined character can be appreciated, and therefore the appeal site and its immediate surroundings make a positive contribution to the amenity of the area.
7. The appeal proposal would see the introduction of a freestanding LED internally illuminated digital advertisement display unit positioned in front of the south facing elevation of Burgess House. The display would rise to a height of 13.4 metres, with an overall width of 5.4 metres. It would be set 5.5 metres off the ground with a portrait orientation to reflect the horizontal emphasis of the building. As such, it would be clearly visible in views from the south and particularly from traffic travelling along the northbound carriageway of St James Boulevard.
8. As a result of its size, positioning and method of illumination, and in the absence of other digital advertising units of a similar scale or appearance, the proposed advertisement would result in a highly prominent and visually obtrusive feature. Whilst it would not overwhelm the south facing elevation of Burgess House, it would, nonetheless, be an overly assertive feature that would dominate the street scene and thereby detract from the visual qualities of its gateway location.
9. Therefore, I cannot agree with the appellant's assertion that the design of the proposal would complement nearby buildings, nor would it add to the visual interest of the surrounding area. To the contrary, its scale, form and series of changing images would be an unsympathetic addition to the street scene that would undermine recent efforts to improve the quality of the surrounding built environment.
10. To conclude on this main issue, I have found that the proposal would be harmful to the amenity of the area. Therefore, the proposal would conflict with policies CS15, UC11, UC12, and UC13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and policy DM20 of the Newcastle upon Tyne Development and Allocations Plan 2015-2020, in so far as these policies seek to protect the amenity of the surrounding area.

Public safety

11. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
12. The proposed advertisement would be located close to a busy signalised junction with multiple pedestrian crossings. At this point, traffic joins St James Boulevard from Scotswood Road and I observed during my visit that this is a very busy junction and, as part of a key route into the city centre, it is likely to remain busy throughout the day and into the evening. I also note that some vehicles leave the carriageway to make a left turn to enter the car park to the

rear of the casino. Motorists therefore need to be vigilant to vehicles slowing to make this and other manoeuvres.

13. The proposed advertisement would be particularly visible to northbound traffic traveling along St James Boulevard and also to traffic joining the main carriageway from Scotswood Road. Owing to its scale and method of illumination the proposed advertisement would provide an unduly vivid and prominent visual feature that would attract the attention of motorists on this busy section of the highway. This would result in a distracting feature at a point at which drivers have to interpret traffic signals, make decisions about their direction of travel and accommodate other motorists entering or leaving the highway, as well as being vigilant to pedestrians crossing the road. There would also be some limited overlap between the signal heads controlling traffic joining from Scotswood Road and the proposed advertisement, this has the potential to cause distraction or create confusion for motorists on that approach.
14. The slight curvature of the road alignment would not overcome this issue as I observed on site that the appeal site is clearly visible on the approach from the south and southwest, and from a distance where a greater level of concentration is required from motorists. Whilst the location may not have a significant history of accidents, the lack of recorded accidents is not a persuasive justification to increase the risk of an accident occurring in the future.
15. Taking the above points together, I find that the proposal would be a highly prominent feature that would be distracting to users of the adjacent highway and would therefore have a detrimental effect on public safety. This is contrary to policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and policy DM14 of the Newcastle upon Tyne Development and Allocations Plan 2015-2020, in so far as these policies seek to ensure public safety for users of the highway.

Other Matters

16. In support of the appeal my attention has been drawn to a previous grant of consent² for a much larger advertisement at the appeal site. However, this relates to a temporary consent for an advertisement of a differing type and scale. Accordingly, it is not comparable to the appeal scheme, and therefore it does not suggest that the LPA's decision-making has been inconsistent.

Conclusion

17. I have found that the proposal would be harmful to the amenity of the area, and it would present a significant risk to public safety. For these reasons, the appeal is dismissed

J M Tweddle

INSPECTOR

² LPA Ref: 2014/1796/01/ADV