



Appeal Decision

Site visit made on 4 May 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/H4505/Z/24/3341357

Land at Storey Court, Transbritannia Enterprise Park, Blaydon on Tyne NE21 5NH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Premier Vue against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/24/00062/ADV.
 - The advertisement proposed is the installation of an architecture structure incorporating 2 internally illuminated advertisement displays measuring 7.5m x 5m.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the installation of an architecture structure incorporating 2 internally illuminated advertisement displays measuring 7.5m x 5m at land at Storey Court, Transbritannia Enterprise Park, Blaydon on Tyne NE21 5NH in accordance with the terms of the application, Ref DC/24/00062/ADV, dated 23 January 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 1) No development shall commence on site until the design, materials and construction methods to be adopted for the Court Advert Tower LED Displays have been subject to the full requirements of the design manual for Roads and Bridges Standard CG300 'Technical Approval of Highway Structures'; have been given Technical Approval by a competent independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter the development shall be carried out in accordance with approved details.
 - 2) The illumination levels of the advertisement shall not exceed 1000cd/m² between local sunrise and sunset times on any day and shall not exceed 300 cd/m² after local sunset time on any day until local sunrise the following day.
 - 3) The minimum display time of the advertisement shall be 10 seconds and the interval between the successive displays shall be instantaneous (0.1 seconds or less).
 - 4) The advertisements on display shall be static. There shall be no fading, swiping, or other animated transition methods between advertisements. No advertisement display on the LED screen shall contain moving images,

animation, intermittent or full motion video images or any images that resemble road signs, traffic signs or traffic signals and there shall be no special effects of any kind.

5) The LED display shall be switched off between the hours of 23:00 and 05:00.

6) At all times the display shall contain a feature that will feature freeze the image in event that the display experiences a malfunction or error.

Main Issues

2. The main issues are the effect of the proposed advertisement on: visual amenity; and (b) public safety, with regards to highway safety.

Reasons

Visual amenity

3. The appeal site lies on Storey Court within the Transbritannia Enterprise Park, which comprises commercial and industrial buildings. The site is part of a large area of hardstanding. Next to the site is the concrete superstructure of the elevated A1, a major trunk road that extends in a north to south direction. The proposed advert would be orientated and positioned at height to face traffic passing in both directions on the A1.
4. Advertisements associated with the commercial and industrial buildings form part of the area's character. However, the proposed advert would principally be viewed from the elevated A1. When passing on the A1 in either direction, advertisements are not commonplace, as people's experience is principally of the road and the roofs of the commercial and industrial buildings on either side of the road beneath the road.
5. In this context, the proposed advert would be a new and prominent feature, especially when it is viewed from the A1. The proposed advert is large and would be highly visible, but it would be viewed in a relatively open aspect that contains street lighting columns. There are good sightlines along the A1. Hence, the proposed advert would be viewed from various distances. The proposal would introduce a new advertisement feature next to the road, but it would not create clutter. I note the Council's concerns about a precedent being set, but I am not aware of any other similar proposals or consents along this stretch of road that would indicate that clutter could be an issue at the present time. Therefore, it would be a matter for the Council to determine whether any other proposals would create visual clutter, should applications be submitted in the future.
6. From ground level, the advert would be located above the height of neighbouring buildings and be viewed up against an impeded skyline influenced by the buildings and the superstructure of the A1. Whilst the advert would be large, prominent, and located above the A1, and there are no directly comparable adverts in the locality, I do not share the Council's view that a negative impact would be caused to the visual amenity of the area. This is because the advert would be internally illuminated, viewed at a distance, next to a busy road with street lighting columns and static displays would change every 10 seconds. Furthermore, luminance levels can be controlled so that there is not an adverse effect on the visual amenity of the area.
7. I therefore conclude that the proposed advertisement would not harm the

visual amenity of the area. The proposal would accord with paragraph 141 of the National Planning Policy Framework as the quality and character of the area would not suffer as a result of the proposal's siting and design.

Highway safety

8. The proposal would be sited in a large area of hardstanding that is used for parking and circulation associated with the industrial/commercial units next to the appeal site. The proposal would occupy a modest part of the hardstanding and ample would remain for vehicles to park and manoeuvre safely. I do not consider that the proposal would lead to an increased number of vehicles parking on Dunne Road. However, even if that were the case, there are no parking restrictions preventing that from occurring. There is also no evidence to suggest that if vehicles did park on the road that safety issues would arise.
9. Both National Highways and the Council's transport planners have not raised objection to the proposal, subject to the imposition of conditions to control the manner and type of the adverts displayed, the structural specification of the structure, and conditions regarding its ongoing management so that highway safety on the A1 is not affected.
10. Subject to these conditions, I conclude that the proposal would not harm public safety, with regards to highway safety. Policies CS13 and MSGP15 of the Site Allocations and Development Management Policies Local Plan jointly seek proposals not to have an unacceptable impact on the safe operation of the local transport network. Thus, they are material in this case. The proposal accords with the policies as the proposed advertisement would not harm public safety.

Conditions

11. Along with the 5 standard conditions, I have imposed conditions concerning the level of illuminance, the screen display, and the frequency of the display changing. Each are necessary in the interests of public safety, to avoid glare, dazzle, or distraction to passing motorists. I have also imposed a condition in the interests of passing motorists to freeze the image if a malfunction or error is experienced. In the interests of visual amenity and public safety, I have imposed a condition so that the advert is switched off during periods of darkness. A condition is also necessary in the interests of highway safety and the safety and integrity of the A1 so that details of the structure to which the adverts are to be fixed onto are submitted to and approved by the Council and National Highways.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR