



Appeal Decisions

Site visit made on 19 February 2025

by **Anne Jordan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal A Ref: APP/M4510/H/24/3356935

Pavement Outside the Head of Steam, (Westgate Road side), Newcastle Upon Tyne, NE1 5EN

- 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 Urban Innovation Company (UIC) Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/1137/01/ADV.
 - The advertisement proposed is 2x (back-to-back) digital LED displays.
-

Appeal B Ref: APP/M4510/W/24/3356934

Pavement Outside the Head of Steam, (Westgate Road side), Newcastle Upon Tyne, NE1 5EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/1138/01/DET.
 - The development proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
-

Decision

1. Appeal A is allowed and express consent is granted for the display of 2x (back-to-back) digital LED displays 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 digital screen shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each advertisement shall be 10 seconds. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction. No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
 2. The intensity of the illumination of the advertisement(s) to which this consent relates shall be no greater than the levels recommended by the Institute of Lighting Professionals (for an advertisement within Zone E4) in

their Professional Lighting Guide 05/23 The Brightness of Illuminated Advertisements including Digital Displays.

2. Appeal B is allowed and planning permission is granted for installation of "Pulse Smart Hub" with integrated digital screens in accordance with the plans submitted and subject to the following conditions:
 1. The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this decision.
 2. The development to which this permission relates shall be carried out in accordance with the approved plans ref:
 - Site Location Plan NUT-WGR/2024/01 Rev. A,
 - Existing Site Plan NUT-WGR/2024/02 Rev. A,
 - Proposed Site Plan NUT-WGR/2024/03 Rev. A,
 - Technical Specifications Elevations NUT-WGR/2024/04 Rev. A,
 - Photograph of Existing NUT-WGR/2024/05 Rev. A,
 - Proposed Illustration NUT-WGR/2024/06 Rev. A
 3. Notwithstanding the details on the approved plans, the external casing on the Pulse Smart Hub shall be coloured black.

Preliminary Matters

3. There are two appeals on the site. The first relates to the display of advertisements and the second relates to the installation of the apparatus on which the advertisements are to be displayed. To avoid duplication, I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations).
4. In relation to Appeal A, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Although regard does not need to be had to the development plan I have nonetheless taken these policies into account as a material consideration.
5. The Council have not raised any concerns in relation to highway safety and having regard to the position of the appeal site and the nature of the proposal I see no reason to dispute this view.
6. The site is located on the pavement adjacent to the public house known as "The Head of Steam" within the Central Conservation Area. A number of other heritage assets lie within a short distance of the site which are set out below.

Main Issues

7. Accordingly, the main issues for the appeal are the effects of the proposal on the character of the area, and whether the effect on the setting of nearby heritage assets would harm the significance of those assets.

Reasons

8. The scheme comprises the erection of an integrated digital screen, measuring around 2540mm tall and 1280 mm wide, with advertisements on each side. The structure would be around 350mm deep and would provide access to digital services including free charging, calls and internet access on equipment located on the side elevation of the structure. The advertisements would be illuminated and static in nature. The structure on which they would be displayed would be constructed in glass and fibreglass and the top of the structure would be coloured red.
9. The structure would be located on the footpath adjacent to the Hampton Hotel on Neville Street, within Newcastle city centre. The area surrounding the site contains a number of listed buildings, most of which date from the Victorian period, being associated with the growth of the railway and the largescale expansion of the city at that time. Central station lies a short distance from the site and the nearby Grade II listed Royal Station Hotel, Grade II* listed Neville Hall and the Grade II listed Union Club Building are all imposing Victorian buildings the ornate and well-proportioned facades of which contribute to the character of this part of the conservation area.
10. The proposed “Smart Hub” would sit on a wide expanse of pavement located at the junction of Neville Street and Westgate Road. Immediately adjacent to the site sits the George Stephenson Memorial which is a grade II* asset. The memorial has significance in the connection of Stephenson with the area and the development of the railways in the region. The scale of the structure, being lower than the imposing buildings which surround it, and its position on what would have been an intersection reflecting the historic street pattern in the area, are both important attributes which contribute to the character of the Conservation Area in this part of the city. This setting now includes wrought iron traffic barriers and other urban paraphernalia which occupy the space around the asset but whilst these are visible features the generally restrained form and tone of these does not compete in views of the Memorial.
11. To the immediate north of the site sits the Grade II listed gatepost of the Old Grammar school. It is understood the gatepost has previously been relocated and so does not sit in its original position. Nevertheless, the modest structure sits in sharp contrast to the modern building behind and the quaint juxtaposition of old and new serves to emphasise the layered history of this part of the city. It is visible in shared views of the Grade I Church of Saint John the Baptist which lies adjacent to the north of the site. The church dates in part from the 14th and 15th century with Victorian additions. The ornate form of the building within its verdant churchyard is a pleasing feature in the streetscape. The building is set well back from the imposing bulk of the Hampton Hotel which provides the immediate setting of the appeal site.
12. I have considered to what extent the setting of these various assets and the character of the Conservation Area itself might be altered by the proposal. The relatively limited scale of the proposal would not be significantly out of scale with

the street furniture, traffic equipment and other urban fixtures. Due to its immediate position, seen in the context of the more contemporary building behind, the proposal would have a broadly neutral effect on the larger heritage assets. In relation to the smaller assets, namely the listed gatepost and the George Stephenson Memorial, these have a more intimate setting within which the asset would form a more notable feature. When seen in shared views with the Memorial the strident red top would form a distracting and incongruous feature which would be at odds with the generally restrained character of the public realm.

13. Furthermore, notwithstanding the position of the gatepost immediately adjacent to the contemporary building behind, the intrusive red top of the proposal would also form a detracting feature in close range views of this asset. Whilst I note that modern telecommunications installations are an accepted part of town centres, in this case, due to the design of the proposal and its relationship with heritage assets in the immediate vicinity, it would not sit comfortably within the historic townscape.
14. I note that although the plans propose a red top, associated submissions show a version of the hub with a black surround. This alternative surround would be more successfully assimilated within the context of the site. The appellant has advised that they have no objection to a condition requiring that the scheme be carried out in this more sympathetic finish. Subject to the imposition of such a condition I am therefore satisfied that the proposal would not harm the setting of any of the heritage assets identified above.
15. The Council have also referred to the impact of the proposal on the Hadrian's Wall World Heritage Site but I do not consider that the proposal would have a material impact on this buried asset in this location.
16. I am therefore satisfied that the proposal would have a neutral effect on these assets, including this part of the Newcastle Conservation Area and would not harm the character of the area. The Council have put to me a number of policies and insofar as they are relevant I find no conflict with Policies UC12, UC14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30, and Policies DM15, DM16 and DM20 of the Development and Allocations Plan which collectively seek to ensure that development respects the character of the area, including that derived from the contribution of heritage assets.

Conclusion

17. Accordingly, having regard to all other matters raised, the appeals are allowed subject to conditions.
18. In relation to the planning permission, I have imposed a condition requiring the proposal be installed with a black finish for the reasons set out above. I have also imposed conditions relating to the period of implementation, and to ensure the scheme is carried out in accordance with the approved plans. In relation to the proposed advertisements, in addition to the standard conditions it is necessary to impose conditions restricting the animation of the advertisement boards, and the brightness of the illumination, which are intended for static illumination only. This is in the interests of highway safety.

Anne Jordan

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/M4510/H/24/3356935	Urban Innovation Company (UIC) Ltd
Appeal B	APP/M4510/W/24/3356934	Urban Innovation Company (UIC) Ltd