



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/24/3356943

Pavement Outside Eldon Square Shopping Centre, Newgate Street, Newcastle upon Tyne, NE1 5RQ

- 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 2024/1139/01/ADV.
 - The advertisement proposed is 2x (back-to-back) digital LED displays.
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Appeal B Ref: APP/M4510/W/24/3356942

Pavement Outside Eldon Square Shopping Centre, Newgate Street, Newcastle upon Tyne, NE1 5RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant 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 2024/1140/01/DET.
 - The development proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
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Decisions

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-NGS/2024/01 Rev. A,
 - Existing Site Plan NUT-NGS/2024/02 Rev. A,
 - Proposed Site Plan NUT-NGS/2024/03 Rev. A,
 - Technical Specifications Elevations NUT-NGS/2024/04 Rev. A,
 - Photograph of Existing NUT-NGS/2024/05 Rev. A,
 - Proposed Illustration NUT-NGS/2024/06 Rev. A

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 site is located on the pavement adjacent to rear of the Eldon Square Shopping Centre within the Central Conservation Area. A number of other heritage assets lie within a short distance of the site which are set out below.
6. 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.

Main Issues

7. Accordingly, the main issues for Appeal A are the effects of the proposal on the character of the area, including 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 public footpath to the rear of Eldon Square Shopping Centre. The site lies at a point where the stridently modern bulk of the Shopping Centre Complex coalesces with the older fabric of buildings to the rear of Gallowgate. In this regard a number of listed buildings lie relatively close to the appeal site. The Grade I listed Church of St Andrew which is enclosed by the Grade II listed wall and gate piers lie immediately opposite the site as does a section of the Town Wall, a Scheduled ancient Monument which is integrated into the rear of the Grade II listed 1-15 Gallowgate. This lies opposite the Grade II listed Andrews House. The Grade II Listed Co-Operative stores sits further to the south along Newgate Street. The rich historic fabric of the area is reflected in its inclusion as part of the Newcastle Central Conservation Area, which specifically excludes the Eldon Square Shopping Centre and the appeal site.
10. The assets vary in age and architectural appearance as does their setting. St Andrew Church lies immediately opposite the site. It is an attractive sandstone church parts of which date from the 12th Century and it sits behind a sandstone wall, also listed within its churchyard. The church and its green surroundings provide an attractive feature in the street scene. Notwithstanding the intrusive appearance of the church hall, the smaller scale of the building contrasts with larger buildings to the rear and this adds to its charm. It sits as a relatively self-contained island of greenery in a part of the city dominated by taller enclosing buildings. Although the significance of the assets will be in part derived from their antiquity and from the interior of the asset, the appearance of the building with its high arched windows and pedimented bell tower, also contributes to its significance.
11. Nos 1-15 Gallowgate is a substantial late Victorian commercial terrace. Although the ground floor has been altered, the upper floors appear to remain intact and the ornate roofline, which includes a copper corner turret and ornate high gables contrast with the utilitarian appearance of much of the surrounding skyline. To the rear the Town Wall is built into the fabric of the rear of 1-15 Gallowgate. Although parts of the wall remain intact throughout the city, its presence here provides an unexpected reminder of the medieval origins of the settlement. The glimpse of the wall, sandwiched between the modern church hall and the functional appearance of the rear of 1-15 forms part of the layered character of this part of the Conservation Area.

12. The Co-Operative building lies some distance to the south of the site. It is a fine art-deco structure. Although at street level the building has had various alterations to accommodate more recent commercial uses it is largely intact at the upper level and its imposing façade is notable in views along Newgate Street from the north. Due to its scale its setting comprises a significant proportion of the wider streetscape, including the bulky and enclosed form of the rear of Eldon Square. Similarly, Andrews House, which lies along Gallowgate, with oblique views of the site is another attractive art-deco structure with its upper floors largely intact. In this regard the reliefs on the upper floors are notable features that contribute to the varied character of the street scene. In both cases the significance of the assets lies in them being relatively well-preserved examples of buildings of the period and in the visual contribution their appearance, notably the upper floors, makes to the wider area.
13. The development would have a contemporary appearance and as it would be illuminated it would be visible at night. However, it seems to me that the relatively modest structure would not appear out of place when viewed in the context of the imposing backdrop provided by the shopping centre behind, the windows of which are also illuminated. The façade which faces Newgate Street has limited legibility or permeability and includes the blank facades which adjoin the service entrance to the complex. This largely utilitarian form contrasts sharply with the varied street scene that makes up the Conservation Area of the opposite side of the road. In this regard, the shopping centre already forms a dominant element within the setting of all of the assets listed above and it is the contrast in appearance, and the variety of form that the assets provide, which in part contributes to their significance.
14. To my mind this attribute would not be altered by the introduction of the relatively modest addition to the street scene. It would be a very minor feature when viewed not only against an uncompromisingly backdrop but within the context of various bus shelters, phone boxes and traffic barriers that occupy the wider street scene. Although the proposal would be located within a relatively open stretch of pavement, when viewed within the wider context which would encompass views of The Co-operative building, Andrews House and 1-15 Gallowgate it would not be an incongruous feature and would not impact upon the significance of these assets.
15. In relation to the Church of St Andrew, its boundary wall and the section of the Town Wall behind I am conscious that these assets lie much closer to the site and that a previous appeal at the site found harm to their significance as heritage assets¹. But here again I take into account the extent to which the existing setting of these assets is dominated by the contemporary appearance of the Eldon Square complex and the very limited degree to which the structure would alter the existing experience of these assets. The attractive form of St Andrews and its verdant setting provides a welcome relief from the built form opposite and this, and how it is appreciated would not be altered. Although I note that the space in front of Eldon Square in which the structure is proposed would be altered, I differ from the previous Inspector in that I do not consider it makes an important qualitative contribution to the setting of these assets, the overall perception of the assets being dominated by what is behind.
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

¹ Appeal Decisions APP/M4510/W/21/3286446 and APP/M4510/H/21/3286448

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 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/24/3356943	Urban Innovation Company (UIC) Ltd
Appeal B	APP/M4510/W/24/3356942	Urban Innovation Company (UIC) Ltd