
Appeal Decision

Site visit made on 13 August 2025

by **Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/W4515/Z/25/3369652

Advertisement Display Site at Wallsend Rd, junction with High Flatworth, Tyne Tunnel Industrial Estate, North Shields NE29 7UZ

- 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 Mr. Kwasi Bentil, Venderoo Ltd against the decision of North Tyneside Council.
 - The application Ref is 25/00560/ADV.
 - The advertisement proposed is described as an 'advertisement consent to upgrade poster 48sheet boards to digital 48 sheet LED display screen.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The details in the banner heading above are taken from the application form as these form the basis on which consent was sought. The address details are taken from the appeal form for the purposes of clarity, with the postcode added.

Main Issue

3. The main issue is the effect of the proposal on public safety by way of highway considerations.

Reasons

4. The appeal site comprises a modest sized area of grass verge which lies between a roundabout and a shared foot and cycleway. A traffic controlled pedestrian and cycle crossing also lies close to the site, as does a bus stop. The roundabout is a major road junction where the A193 and A187 meet, along with High Flatworth and an access into a waste recycling site. The A193 and A187 are dual carriageways, which provide routes which lead towards the Tyne Tunnel, Wallsend, North Shields and Chirton, amongst other destinations. High Flatworth provides access to the Tyne Tunnel Industrial Estate. On the A193 westbound carriageway approach to the roundabout, there is also an access and egress arrangement into a further area of industrial units.
5. While I have been referred to Transport for London guidance on digital advertising, guidance as is applicable to this location is provided through the Council's Transport and Highways Supplementary Planning Document (2022) (the SPD). This sets out that digital advertising sites close to signalised junctions, roundabouts, signalised crossings and merges onto classified roads should be

avoided. National planning guidance through the Planning Practice Guidance: Advertisements also sets out that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Junctions and roundabouts are cited as situations where local conditions present traffic hazards.

6. The proposal would be located a short distance back from the roundabout on the verge between High Flatworth and A193 where it exits eastbound. There would be no substantive screening up to the roundabout. As such, the proposal would appear both adjacent and prominent to what is a busy and multi lane approach road junction. When the roundabout is approached on the A187 northbound carriageway, it would have a near direct orientation. Whilst in most other directions it would appear on more of an angle, it would still be in clear view with its proximity to the roundabout. Hence, it would not be readily assimilated into its surroundings.
7. As a consequence, it would in all likelihood draw the eye and act as a distraction, in particular with its digital illumination and changes of static images, even though it would be unlikely to appreciably physically obstruct visibility. This would have the potential to cause accidents, especially as drivers need to be fully aware of other traffic on the approach and whilst using the roundabout, as well as pedestrians and cyclists using the various crossing points. Such a risk would be heightened because of the busy nature of the roundabout, and so it would be beyond simply taking a reasonable level of care when driving.
8. The SPD also sets out that a Road Safety Audit will be required and the appellant has provided accident data. However, it does not to any great degree identify hazards specific to the location at this busy multi-lane approach roundabout, as I have considered above. While my attention has been drawn to a former, larger poster board advertisement on the site, this has a limited bearing as it was not a digital advertisement. There are also few signs of its existence now on the grass verge and it does not alter my conclusion.
9. With the proposal's location in relation to the roundabout, the proposed mitigation through luminance, reacting to light levels to reduce glare and sequencing and change of display controls would not satisfactorily address the harm. It would still act as a distraction. While I am aware that the appellant's suggested condition over reviewing accident data and potentially ceasing the use is also set out in the SPD, I have some concerns over whether such a condition would be reasonable. In effect, it could nullify a permission if it was breached through traffic incidents. Such matters need to be established prior to the granting of a consent, rather than post consent, in order to maintain highway safety.
10. Various other examples of digital advertising displays have been cited. Yet none are close to the site and other advertisements in its vicinity are largely highways signage to aid drivers or concern the industrial uses. As regards the latter, they are further set back from the roundabout and so they do not provide the same level of distraction. None are digital. While clearly there are locations where this form of advertising has been deemed acceptable and it is not opposed in principle through planning policy, highway safety is a consideration that is very much dependant on the specific site circumstances. This is also not a location where there would be less likely to be road safety problems arising from this proposal in a commercial and industrial locality, due to the concerns that arise.

11. I conclude that the proposal would have an unacceptable effect on public safety by way of highway considerations. I have taken into account Policy DM6.3 of the Council's North Tyneside Local Plan (2017), paragraph 116 of the National Planning Policy Framework and the SPD which concern highway safety, and so are material in this case. As I have concluded that the proposal would harm public safety, it would be in conflict.

Other Matters

12. It is not in dispute that the proposal would not have an unacceptable effect on the amenity of the area, including through the design of the associated structure and the materials. This does not however address the unacceptable effect on public safety by way of highway considerations.

Conclusion

13. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed and express consent refused.

Darren Hendley

INSPECTOR