



Appeal Decision

Site visit made on 8 July 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/H4505/Z/20/3251930

**Entrance to Cardinal Hume Catholic School, Old Durham Road,
Gateshead NE9 6RZ**

- 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 Cardinal Hume Catholic School against the decision of Gateshead Council.
 - The application Ref DC/20/00037/ADV, dated 15 January 2020, was refused by notice dated 13 March 2020.
 - The advertisement proposed is a single sided roadside digital display sign.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, and therefore the Council's policies have not been decisive in my assessment.

Main Issues

3. The main issues are the effect of the proposed advertisement on local amenity and public safety.

Reasons

Amenity

4. This section of Old Durham Road is straight and relatively open due to the playing fields, large school grounds and car parks on both sides of the road. Other than on the bus shelters, there is a marked absence of commercial advertising in the immediate vicinity. There are banners currently attached to the school fence in this location, but there is no evidence that they are lawful so they carry limited weight in my assessment. Hoardings are present further along the road, but due to the intervening distance they have limited influence on the character of the vicinity of the appeal site.
5. The proposed free standing advertisement would be positioned at the entrance to the school, next to the existing school sign. It would be an internally illuminated LED display showing sequential static images every ten seconds. Due to its orientation, the advertisement would primarily be seen from a southerly direction, but for a considerable distance and as a standalone roadside advertisement not closely associated with the school buildings that are set considerably back from the road.

6. The site is not within a conservation area and I am not aware of any listed buildings in the vicinity. Irrespective, owing to its prominence, scale and method of illumination, the advertisement would have a dominant and intrusive impact in the context of its surroundings where there are few other illuminated commercial advertisements. The regular changing of the display would draw further attention to it and further add to its prominence, even if the levels of illumination and the speed and frequency of image transitions were controlled.
7. My attention is drawn to the reference to 'large poster-hoardings' in the Planning Practice Guidance (PPG), but it is not an exhaustive list, and in any event, the example given of where such an advertisement might be acceptable in an industrial or commercial area of a major city is not directly applicable to the appeal site. Moreover, I find that the proposed advertisement would adversely affect the visual amenity of the locality. The appellant also refers to a previous advertisement consent at the school, but this was for a temporary period and in a different location so it does not justify the appeal scheme.
8. I conclude, that the proposed advertisement would have a harmful effect on the amenity of the locality. In that regard, paragraph 132 of the National Planning Policy Framework (the Framework) does not provide support for this advertisement because it would cause the quality and character of the area to suffer.

Public safety

9. The entrance to the secondary school is a priority controlled junction onto Old Durham Road (B1296), a main route also carrying bus and cycle traffic. I am also informed that Old Durham Road is regularly used by emergency vehicles to and from the nearby hospital. Slightly further to the north on the opposite side of the road is the entrance to a busy NHS park and ride. Just to the south of the junction is a signal controlled crossing and a bus stop. Mandatory cycle lanes switch between on and off the carriageway through gaps in the highway railings around the junction, and I am mindful that pedestrians could also cross at these points. Both cyclists and pedestrians can cross the school entrance at the uncontrolled pedestrian refuge.
10. The Council's objection to the proposed advertisement on public safety grounds has been informed by an objection from the Highway Authority. Concerns are raised regarding the potential for distraction for motorists in a location with numerous traffic hazards. Accident data has been cited, which includes two accidents in the immediate vicinity. One involved a vehicle colliding with a child crossing the road 30m north of the school entrance. The other involved a rear shunt into a vehicle waiting to turn right into the school entrance. Failure to look properly has been highlighted as contributing factors for both cases.
11. I have had careful regard to the appellant's assessment of highway safety matters¹. Due to its orientation, the advertisement would not be distracting for southbound traffic. In respect of the northbound traffic, I am satisfied that the advertisement would not unduly interfere with interpretation of the signal heads.
12. Nonetheless, it strikes me that due to the number of factors for motorists to take into account, the road environment around the school entrance is

¹ "Dealing with Highway Safety Matters" by SCP, dated April 2020

relatively complex. I am mindful that the primary function of an advertisement is to grab the attention of its audience, who in this instance would in the main be motorists travelling north. The combination of the size, type, location and facing direction of the advertisement is likely to attract the prolonged attention of some drivers, particularly if the image changes when being observed, or in low light conditions when the advertisement would be a bright feature. This could reduce the time to assess potential risks such as stopping buses, turning vehicles, merging bicycles or crossing pedestrians, thereby increasing the risk of an accident in this location.

13. In reasoning the above, I acknowledge that there are examples where LED advertisements have been accepted on public safety grounds. Indeed, the appellant has referred to a number of cases where such advertisements have not been attributed to further accidents. However, from the limited details I have of those cases, they appear to be in more urban environments and not within a school entrance. In any event, I must consider this appeal on its own merits, having regard to the specific site circumstances. In my judgement, a large illuminated LED advertisement facing almost directly towards northbound traffic, with changing images, is likely to be distracting for some drivers in this particular location, one which demands high levels of care and concentration on the road, and where advertisements are not a common feature.
14. Accordingly, I consider that the size, type and siting of the advertisement would be likely to provide an additional and unacceptable risk of distraction for road users in this location. Whilst the accident data is not a decisive factor by itself, the reasons for previous accidents do provide some additional weight in support of my conclusions regarding the complexity of the road environment at this point, and the increased hazard to road users the advertisement would provide. A restriction on the display of images during peak school times would not be sufficient to address this matter as there are multiple road users of this main route and there would still be a large illuminated LED screen display facing oncoming traffic for most of the day, leading to this potential distraction for drivers.
15. I conclude that the proposed advertisement would result in an adverse and unacceptable impact on public safety, contrary to the aims of the Framework in this respect.

Other Matters

16. I acknowledge that the advertisement would generate revenue for the school and would fit with its aims of promoting digital technology. However, my assessment of the appeal scheme is only in the interests of amenity and public safety, and therefore such matters do not alter or outweigh my findings on the main issues.

Conclusion

17. For the reasons given, the appeal should be dismissed.

A Caines

INSPECTOR