



Appeal Decision

Site visit made on 6 November 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/H4505/Z/20/3257207

LGV Driver Training Centre, Abbotsford Road, Felling Central, Gateshead, Tyne & Wear NE10 0EX

- 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 Mr Terry Smith, LGV Driver Training Centre against the decision of Gateshead Council.
 - The application Ref: DC/19/01148/ADV, dated 18 November 2019, was refused by notice dated 7 July 2020.
 - The advertisement proposed is display of one west facing LED digital display billboard, mounted and supported on two posts.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed advertisement was originally 'Double sided electronic screen LED digital billboard. Each screen measures 6000mm x 3000mm.' During the determination of the application the east facing digital display was removed from the proposal. Therefore and for the avoidance of doubt, I have used the revised description in the Council's decision notice and the appellant's planning appeal form in the banner heading above and determined the appeal on that basis.

Main Issues

3. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations), the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the Guidance) all confirm that control over the display of advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
4. In the context of the above, the main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

5. The appeal site is an area of hardstanding next to the LGV Driver Training Centre. It is located within a mixed commercial / industrial area which sits below the north side of the A184 Felling By-pass (A184).

6. The proposed advertisement comprises a 3m by 6m, west facing, post mounted and supported, LED digital display screen (LED screen). The posts and LED screen would have a total height of 10m and the top of the LED screen would be positioned immediately adjacent to and approximately 5m above the eastbound carriageway of the A184.
7. The submitted evidence states that the LED screen would display coloured static images that would transition smoothly from one image to another, with the luminance of the LED screen automatically adjusting to the brightness of the surrounding environment. The display would involve no moving images, animation, intermittent or full motion video images and there would be no sound.

Amenity of the area

8. The Guidance advises that 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement¹.
9. The appeal site is situated within a neighbourhood which is predominantly characterised by large commercial sites with sizeable industrial buildings. Tree cover softens the area's hard urban form in part, but this is limited.
10. I acknowledge that the LED screen's elevated position, considerable size and illuminated changing display, would cause the proposed advertisement to be highly conspicuous in short and long range views when travelling along the eastbound carriageway of the A184 or the adjacent public footpath. I also note the lack of any other advertisements of this type in the near vicinity of the appeal site. Nevertheless, having regard to the very commercial and industrial character of the neighbourhood, along with the absence of any important scenic, historic, architectural or cultural features within the area, I consider that the proposed advertisement would not appear wholly out of place in relation to its surroundings.
11. I therefore conclude that the proposed advertisement would not have a harmful effect on amenity.

Public safety

12. The Guidance states that all advertisements are intended to attract attention and that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, such as the area in which the appeal site is located. However, the Guidance also identifies externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising LED technology and which are subject to frequent changes of the display, such as the proposed advertisement, as one of the main types of advertisement which may cause danger to road users².
13. The A184 is a dual carriageway with a speed limit of 40 mph and is one of the main routes into and through the Tyneside conurbation, linking the A19 to Gateshead town centre and the A1 in the west. As such, it carries a high volume of traffic and is prone to congestion at certain times of the day. The

¹ Planning Practice Guidance, Paragraph: 079 Reference ID: 18b-079-20140306.

² Planning Practice Guidance, Paragraph: 068 Reference ID: 18b-068-20140306.

eastbound carriageway of the A184 gradually ascends and slightly curves when travelling through the signal controlled junction with Abbotsford Road, where cross lane movements occur, towards the proposed position of the LED screen as the road bridges over Stoneygate Lane.

14. I appreciate that the proposed position of the LED screen would be approximately 170m beyond the signal controlled junction with Abbotsford Road and I note the technical capabilities of the screen and the display. However, the gradual rise of the carriageway at this section of the A184, combined with the screen's raised position, substantial size, use of LED technology and frequent changes of the display (albeit static images), would cause the proposed advertisement to be an unduly prominent and unusually vivid feature on the skyline at this location. As such, it would have the potential to be a distraction to drivers when approaching and travelling through the signal controlled junction with Abbotsford Road which would prejudice public safety.
15. I concede that this section of the A184 is not an accident black spot, with accident data confirming that there have been only two relevant accidents on this part of the road in the last five years. Nevertheless, this does not signify that the siting of a LED screen at the position proposed would not distract drivers and be harmful to public safety. It merely indicates that, at present, the junction functions safely without advertisements of the type proposed being visible beyond the junction.
16. Whilst the road possesses a 40mph speed limit and is liable to slow moving traffic, this is not the case at all times of the day, week, month or year. Indeed, at the time of my site visit, around midday, I noted that traffic was generally free-flowing and fast moving along this stretch of the road.
17. I therefore conclude that the proposed advertisement would have a harmful effect on public safety.
18. I have taken account of the fact that there are no other comparable advertisements in the immediate vicinity of the appeal site and the lack of cumulative impact in this respect. However, this does not alter my opinion.
19. I have considered whether any conditions controlling the level of brightness of the images, frequency of the images and the manner of change between images could adequately mitigate my concerns were I to allow the appeal. However, they would not overcome the fundamental objections to the proposed advertisement's position, size, form and illumination.

Other Matters

20. My attention has been drawn to existing free-standing signs near to the appeal site and several other examples of large, digital advertisements adjacent to main highways and motorways within the local area, region and other parts of the country.
21. The existing free-standing signs nearby are modest in size, are not elevated on the skyline and are not illuminated. Therefore, they are not comparable to the appeal proposal before me. The digital display advertisements cited appear to have some similarities with the proposed advertisement in relation to their size and siting. However, very limited information regarding the detailed circumstances and wider context of each advertisement has been provided, to

the extent that I am unable to make any meaningful assessment and comparison between them and the appeal proposal. Consequently, I can only give these references limited weight. In any event, I have determined the appeal proposal before me on its own merits in the interests of amenity and public safety and found that it would have a harmful effect on public safety.

22. Development plan policies are not decisive but are material considerations when determining whether to grant advertisement consent. Furthermore, the Guidance states that development plans do not have to contain advertisement policies³. Therefore, the fact that no local plan policies are referred to in the Council's reason for refusal does not weigh in favour of the appeal.
23. As the site is remote from the Strategic Road Network, the lack of an objection to the proposed advertisement from Highways England can only be given very limited weight. I am aware that no representations were received from any interested parties. However, this is a neutral consideration and does not alter my conclusion with regard to public safety.
24. I have had regard to the associated benefits of the proposed advertisement, as asserted by the appellant, in terms of the opportunity for the Council to advertise community projects and / or broadcast road safety messages and the use of a renewable energy electricity provider to supply electrical power to the screen. However, these matters do not outweigh the harmful effect of the proposed advertisement on public safety.

Conclusion

25. Although I have concluded that the proposed advertisement would not have a harmful effect on amenity, this does not outweigh the identified harmful effect that it would have on public safety. Accordingly, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

³ Planning Practice Guidance, Paragraph: 029 Reference ID: 18b-029-20140306.