



## Appeal Decision

Site visit made on 27 April 2021 by S Witherley CIHCM MRTPI

**Decision by Chris Preston BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

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**Appeal Ref: APP/H4505/Z/21/3267865**

**Advertising hoarding, Chainbridge Road, Blaydon NE21 5ST**

- 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 Lichfield's, against the decision of Gateshead Council.
  - The application Ref DC/20/00899/ADV, dated 21 September 2020, was refused by notice dated 4 December 2020.
  - The advertisement described on the application form is: Upgrade of existing 48 sheet advert to support digital poster.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. In accordance with the National Planning Policy Framework (the Framework), the Regulations and the Planning Practice Guidance, (PPG), my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

### Main Issue

4. The Council have raised no issues in regard to the proposals effect on amenity and therefore the main issues in this case is the effect of the proposal on public safety.

### Reasons for the Recommendation

5. The Town and Country Planning (Control of Advertisements) (England) Regulations state in section 3(2)(b) that factors relevant to public safety include the safety of persons using any highway.
  6. The proposed internally illuminated digital poster sign seeks to replace an existing 48 sheet advert of similar size and location. The appeal site sits close
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- to an existing junction associated with an adjacent commercial unit and forward of a bend on the B6317. As a result of the proposal's raised siting it would be seen by drivers travelling from east to west along the B6317, a 40-mph road with bi-directional traffic and, also from the adjacent A695 dual carriage way, a 50mph road.
7. While the proposed level of illumination is in accordance with the ILP guidelines, an advertisement, as noted within the PPG, is intended to capture the attention of the receptor and that the advertisements that are more likely to affect public safety on the roads are those that are located in areas where they obstruct or impair sightlines at corners, bends or at a junction, or at any point of access to a highway. In addition, it states the types of adverts that may cause danger to road users include those that are externally or internally illuminated.
  8. The B6317 runs past the appeal site and on approach to the appeal site there are a number of commercial units with individual junctions allowing access and egress directly onto the B6317. I also observed a number of these commercial units had adverts adjacent to the roadside, however, these were sited on a relatively straight part of the highway unlike the appeal site which sits forward of a bend.
  9. As noted, the appeal site is visible from the adjacent A695. In the vicinity of the appeal site this road has a number of road markings including central chevrons, the presence of white lines associated with a speed camera, a road sign warning drivers' of a bend ahead and road markings telling drivers to go SLOW.
  10. Having regard to all these factors, I consider that the appeal site is located in an area where there could be many competing distractions to road users.
  11. Moreover, I observed at the time of my site visit that the B6317 was generally busy with a constant flow of traffic. The Council has provided details of accidents within the last five years on this and the adjacent A695 and state that two accidents near to the site have occurred. The appellant also provided evidence and records three accidents during the period of 2015 – 2020. Whilst this number appears relatively low, these statistics are without the proposed digital illuminated advert in place.
  12. I conclude from this that the risk to highway safety would be likely to increase as a result of the proposal's size, siting and proposed digital illumination at this location. Despite the proposed conditions by the appellant to mitigate against the levels of illumination and frequency/method of change I consider the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road. The proposal, therefore, could prejudice public safety and as such would conflict with the Framework and PPG in the objective to promote public safety.
- Other matters**
13. Having regard to the appellants comments and Highways Technical Note, I recognise that digital illuminated signs may result in increased revenue and business rates revenue they can generate, efficiency savings, flexibility and a

more sustainable means of advertising and note that these types of signs have been granted advertisement consent elsewhere in the Country. However, advertisements should only be controlled in the interests of amenity and public safety and each application is to be assessed on its individual merits and site context. I attach limited weight to these arguments and these matters do not outweigh the harm that I have identified with regards to public safety.

### **Conclusion**

14. I have concluded that the proposed advertisement would have an unacceptable impact on public safety. For the reasons stated, and in accordance with the Framework and guidance contained within the PPG, I recommend that the appeal be dismissed.

*S Witherley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

15. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree the appeal should be dismissed.

*Chris Preston*

INSPECTOR