



## Appeal Decision

Site Visit made on 8 October 2021

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2021**

**Appeal Ref: APP/H4505/Z/21/3275567**

**Unit 1, Blaydon Industrial Park, Chainbridge Road, Blaydon-on-Tyne**

**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 Stranmere Limited against the decision of Gateshead Metropolitan Borough Council.
- The application Ref DC/21/00122/ADV, dated 8 February 2021, was refused by notice dated 6 April 2021.
- The advertisement proposed is Replacement of two freestanding 48 sheet backlight panels with two digital 48 sheet LED screens on a monopole.

### **Decision**

1. The appeal is allowed and express consent is granted for the display of the Replacement of two freestanding 48 sheet backlight panels with two digital 48 sheet LED screens on a monopole 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 maximum level of illumination of the LED screens shall be no more than 300 cd/m<sup>2</sup> above ambient light levels at any time and shall not exceed 30 cd/m<sup>2</sup> during hours of darkness.
  - 2) The LED screens shall only display static images and shall not display any element of animation or moving images. Each piece of 'copy' shall be delivered without fading or gradual transition.
  - 3) The LED screens shall not be illuminated during the hours of 00:00-06:00.
  - 4) In the event that a screen is defective for any reason that screen must be programmed to go dark.

### **Main Issue**

2. The main issue is the effect of the proposed advertisement on public safety.

### **Reasons**

3. The appeal site is located adjacent to Chainbridge Road which runs parallel with the A695. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network and the area around the appeal site includes many types of signs including digital LED screens. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature' and unlikely to be a distraction to road users in normal driving conditions.

4. However, the Guidance also advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards.
5. Along Chainbridge Road there are several access points near the appeal site. Even though the changing LED images would draw the eye more than the existing signs, forward visibility along the road is good and the traffic speed limit is 40mph. As such, vehicles are unlikely to be travelling at a high speed. Although some drivers visiting the commercial businesses may not be familiar with the area, the junctions have simple layouts with good visibility and the proposal would not impede views of any road signage.
6. Along the A695 the proposed screens would be visible to both east and west bound traffic. Travelling eastbound it would be in the periphery of the view, given its position on the southside of Chainbridge Road with the highway carriageway and the westbound carriageway of the A695 in between. In this context it would not be a prominent distraction to motorists approaching the slip road from the merging B6317.
7. From the industrial road junction on the northern side of the B6317 the proposal would also be visible. However, this would be viewed over the A695 carriageways and Chainbridge Road and would not be a prominent distraction at that distance. Moreover, it would not impede the clear views of traffic approaching along the B6317.
8. Travelling westbound along the A695, the speed limit is slower than eastbound, forward visibility is good and driving conditions appeared normal. In this context the proposal would not appear unusual in nature and there is no substantive evidence before me that the speed camera's function or objectives would be compromised.
9. The Council refers to a small number of accidents nearby in the past 5 years. However, given the volume of traffic passing by there is no firm link between these accidents and advertisements. Although the proposal would be of a greater prominence than the existing signs, drawing the above together, I am satisfied that the proposal would not have a detrimental impact on highway safety.
10. I therefore conclude that the proposal would not result in harm to public safety. The Council has cited the National Planning Policy Framework (the Framework) and the Guidance in its reason for refusal. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

## **Conditions**

11. In addition to the 5 standard conditions, I have also imposed conditions as put forward by the appellant, to require a cut out in the event of malfunction, to ensure that images remain static and to control the level and hours of luminance. They are necessary to safeguard public safety and in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for precision.

## **Conclusion**

12. In conclusion, the proposal would not have a harmful effect on public safety. As such, and for the reasons given above, the appeal is allowed, subject to the conditions specified.

*Mr R Walker*

INSPECTOR