



Appeal Decision

Site visit made on 25 February 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/H4505/Z/24/3356919

Land to south of Dunne Road adjacent to A1, BLAYDON ON TYNE, NE21 5NH

- 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 Premier Vue against the decision of Gateshead Metropolitan Borough Council.
 - The application DC/24/00567/ADV, was refused by notice dated 5 December 2024.
 - The advertisement proposed is 'Installation of x2 architecture structure incorporating 2 internally illuminated Advertisement Displays measuring 6m x 4.1m with a base Meadow Flower Planting Scheme.'
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Decision

1. The appeal is allowed, and express consent is granted for the installation of two architecture structures incorporating two internally illuminated advertisement displays measuring 6m x 4.1m with a base meadow flower planting scheme at land to the south of Dunne Road adjacent to A1, Blaydon on Tyne, NE21 5NH in accordance with the terms of the application, DC/24/00567/ADV, dated 22 July 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - i) No construction shall commence on site until the design, materials and construction methods to be adopted for the pylons and LED displays have been subject to the full requirements of the design manual for Roads and Bridges Standard CG300 'Technical Approval of Highway Structures'; have been given Technical Approval by a competent independent Technical Approval Authority appointed by the applicant; and the Technical Approval has been approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter the construction shall be carried out in accordance with approved details.
 - ii) The illumination levels of the advertisement shall not exceed 1000cd/m² between local sunrise and sunset times on any day and shall not exceed 300 cd/m² after local sunset time on any day until local sunrise the following day.
 - iii) The minimum display time of the advertisement shall be 10 seconds and the interval between the successive displays shall be instantaneous (0.1 seconds or less).
 - iv) The advertisements on display shall be static. There shall be no fading, swiping, or other animated transition methods between advertisements. No advertisement display on the LED screen shall contain moving

images, animation, intermittent or full motion video images or any images that resemble road signs, traffic signs or traffic signals and there shall be no special effects of any kind.

- v) The LED display shall be switched off between the hours of 23:00 and 05:00.
- vi) At all times the display shall contain a feature that will freeze the image in the event that the display experiences a malfunction or error.
- vii) The advertisements and associated supporting structures permitted by this consent shall not be displayed nor erected in position at the same time as the advertisements and supporting structures granted express consent by the allowed appeal under Ref: APP/H4505/Z/24/3341357 on 16 May 2024.

Main Issues

2. The main issues are the effect of the proposed advertisement on: (a) visual amenity; and (b) public safety, with regards to highway safety.

Reasons

Visual Amenity

3. The appeal site is located south of Dunne Road within the Transbritannia Enterprise Park. The area comprises primarily of large commercial and industrial buildings. The site is in two parcels located immediately either side of the concrete superstructure of an elevated section of the A1, a major trunk road that extends in a north to south direction. The proposed advertisements would be supported on approximately 18m high pylons and be positioned at height on both sides of the A1. Each would face traffic passing in both directions on the A1, both presenting images north and south.
4. An appeal was allowed granting planning permission for the installation of a similar single advertising structure on a site west of the A1, approximately 70m to the north and approximately 40 metres closer to the River Tyne than the current proposals (Appeal Ref: APP/H4505/Z/24/3341357). This incorporated a structure supporting a two-way facing advertisement with the dimensions 7.5m x 5m. The appellant indicates that the appeal proposal would be an alternative to the approved advertisement, such that, if approved they would be alternatives rather than concurrent advertisement displays. This is a highly relevant factor in my determination to which I shall refer later.
5. The proposed advertisements would introduce a new visual feature when passing on the A1 in either direction. However, the immediate context comprises principally of the road and the roofs of the commercial and industrial buildings on either side of the road. Hence, existing large-scale utilitarian built form and road infrastructure dominate. In this context the relative size of the advertisements and supporting structure would be easily assimilated. Whilst they are deliberately a prominent feature, each of the four individual advertisements proposed would be smaller than the two permitted under Appeal Ref: APP/H4505/Z/24/3341357. In addition, the supporting structures in laser cut corten steel introduce a contemporary robust decorative element which would add visual interest.

6. The combined result is a proposal which would have a similar visual impact compared to the approved scheme, but if anything would be enhanced by them comprising a pair. Therefore, I cannot agree that they would be visually incongruous features in the industrial context provided.
7. The proposed advertisements would be viewed from various distances along the A1 and I note the street lighting columns extend along the carriageway to a similar height to the proposed pylons. Despite this they would be viewed in a relatively open aspect. I am of the view that this would not create visual clutter and is appropriate to the context.
8. Concern has been expressed regarding the visual footprint of the proposed advertisements in the evening and at night. The carriageway is illuminated at these times, and this creates a significant lighting footprint which would act to accommodate and amalgamate the proposed advertisements. Luminance levels can be reasonably controlled to avoid an adverse effect on the visual amenity of the area.
9. Having regard to views of the proposal in the context of the wider Tyne Valley and views of and from the River Tyne corridor, the advertisements can be accommodated without an unacceptable impact on visual amenity. This would be achieved to a significant degree by the setting back from the river of the proposal by approximately 40 metres compared to the previous scheme. Existing structures and buildings would screen the proposal from much of Keelman's Way to a significant degree. The location further away from the river would also act to embed the proposal's visual footprint within the wider urban context, further reducing the salience of the vertical structures in the broad vistas and landscape context. Wider views from the Scotswood Bridge and north bank of the River Tyne will be seen in this context. Overall, there is sufficient capacity within the landscape context to accommodate the proposal without generating unacceptable harm to visual amenity.
10. Nevertheless, my assessment is predicated upon the proposal being an alternative to the existing approved advertisement. If they were to be displayed as additional advertisements then, owing to the proximity and number overall, my findings in relation to visual clutter would be different. It follows that assurance that both schemes could not be displayed at the same time is necessary. The appropriate mechanism to achieve this objective is a matter of dispute between the parties.
11. The appellant has suggested this could be achieved by a condition and has provided examples of appeal decisions where such a condition has been imposed in relation to advertisements. It is not part of the Council's case that a non-standard condition cannot be imposed on a grant of advertisement consent, but rather that a legal agreement would be preferable. In circumstances where it may be possible to overcome an objection equally well by imposing a condition or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990, Planning Practice Guidance explicitly states that a condition should be used.
12. On the evidence before me, it is not shown that such a condition would fail the tests of reasonableness or enforceability. Whilst the Council refer to the ownership of the respective sites, it is not explained why that would be an impediment to the enforceability of a condition imposed in this case. In any event, the appellant has

confirmed ownership of both the current appeal site and the site the subject of Appeal Ref: APP/H4505/Z/24/3341357. Therefore, I am satisfied that an appropriate condition would remove the potential that the proposed advertisements and that approved in Appeal Ref: APP/H4505/Z/24/3341357 could operate simultaneously.

13. Accordingly, I find that the proposal would be acceptable having regard to the effect on visual amenity.

Public Safety

14. National Highways and the Council's transport planners have not raised objection to the proposal in principle, subject to certain controls over illuminance levels, the speed and nature of images and the structural suitability of the pylons being verified. This is consistent with the approach taken in the approved appeal whereby these matters were addressed by non-standard conditions. I see no reason to take a different view in this case.
15. In addition, National Highways require a mechanism that would prevent the current proposal and that permitted under Appeal Ref: APP/H4505/Z/24/3341357 both being implemented at the same time in order to avoid unreasonable distraction from cumulative images within a short stretch of the A1. I consider this would be necessary in the interests of public safety. It can be seen from the first main issue that this objective could be achieved by a suitable condition.
16. Therefore, subject to these conditions, I conclude that the proposal would not harm public safety with regards to highway safety.

Other matters

17. The Council's committee report summarised a representation received which included a concern regarding electromagnetic field radiation to first floor offices. However, there is no technical evidence before me to suggest the proposals present a threat to public safety on this basis.

Conditions

18. In addition to the 5 standard conditions, conditions are imposed concerning the level of illuminance, the screen display, and the frequency of the display changing. Each are necessary in the interests of public safety, to avoid glare, dazzle, or distraction to passing motorists. I have also imposed a condition in the interests of passing motorists to freeze the image if a malfunction or error is experienced. In the interests of visual amenity and public safety, I have imposed a condition so that the advert is switched off at nighttime. A condition is also necessary in the interests of highway safety and the safety and integrity of the A1 so that details of the structure to which the adverts are to be fixed onto are submitted to and approved by the Council in consultation with National Highways. Finally, a condition is imposed which removes the potential that the advertisements permitted under the current appeal and Appeal Ref: APP/H4505/Z/24/3341357 would operate simultaneously. This is to prevent what would be an unacceptable impact on amenity due to visual clutter and public safety if both permissions were to be implemented and operational.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR