
Appeal Decision

Site visit made on 20 December 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th January 2017

Appeal Ref: APP/Q3060/Z/16/3159716
345 Radford Road, Nottingham NG7 7NQ

- 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 Insite Poster Properties Ltd against the decision of City of Nottingham Council.
 - The application Ref: 16/01359/ADV2, dated 8 June 2016, was refused by notice dated 5 August 2016.
 - The advertisement proposed is replacement of existing 48 sheet and 96 sheet advertising displays with 2no 48 sheet LED displays.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. Accordingly, the development plan policy cited in this case is not decisive.

Main Issue

3. The main issue in this case is the effect of the proposed advertisement displays on public safety.

Reasons

4. Paragraph 067 of the *Planning Practice Guidance* advises that "*All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards*". Policy BE19 of the *Nottingham Local Plan* (2005) states that advertisement consent will be granted where, amongst other things, the display of a sign would not prejudice highway safety.
 5. The appeal site is prominently located at the busy junction of Radford Road and Wilkinson Street, where six externally illuminated advertising hoardings are presently displayed. The existing 48- and 96-sheet advertising hoardings closest to the junction would be replaced by two 48-sheet displays, with each featuring a digital LED display that changes every 10 seconds.
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6. At the time of my site visit the level of traffic, which included trams, was high on both roads consistent with the commercial and residential character of this part of the city. Pedestrian levels were also fairly high. Despite the reduction in size compared to the existing displays, the new displays would be highly visible to motorists, particularly when approaching the junction from the south on Radford Road. In these circumstances it is likely that the traffic signals would be visible in the gap between the two displays rather than viewed against the backdrop of a display, and they would not therefore 'fade' into it as the Council submits.
7. Nevertheless, the displays would be clearly within an approaching driver's field of vision. Despite the reduction in brightness volunteered by the appellant, they would be an eye-catching and distracting feature when the display is changing. In these circumstances a north or westbound driver could fail to observe a red signal and cross the junction, with potentially serious consequences for the driver, other road users and pedestrians. As such, public safety would be severely compromised contrary to the national guidance and local policy I have referred to.
8. In coming to these findings, I acknowledge that historic accident data for the junction indicates a relatively low level of incidents and severity of injury. However, this does not overcome my concerns regarding the implications of the proposal for highway and pedestrian safety.
9. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector