
Appeal Decision

Site visit made on 13 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 3rd August 2017

Appeal Ref: APP/Q3060/Z/17/3169818

178 Huntingdon Street, Nottingham NG1 3NE

- 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 Limited against the decision of City of Nottingham Council.
 - The application Ref 16/02517/ADV2 (PP-05586479), dated 27 October 2016, was refused by notice dated 3 February 2017.
 - The advertisement proposed is replacement of 2no existing 48 sheet advertising displays with 2no 48 sheet digital LED displays.
-

Decision

1. That part of the appeal that relates to Advertisement B is dismissed. That part of the appeal that relates to Advertisement A as applied for is allowed and express consent granted for its display. 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 advertisement hereby approved shall operate at an illumination level no greater than 300 candela/m².
 - 2) There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 3) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of malfunction.

Procedural matter

2. The appellant initially applied for a ten year consent for the proposed advertisements. This has subsequently been changed to a five year consent, as set out in the conditions suggested by the appellant in its appeal statement. Accordingly, I have considered the appeal on the basis that consent is sought for a five year period.

Main Issue

3. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

4. 178 Huntingdon Street (No 178) is a three storey office building located along Huntingdon Street, near to its junction with Cairn Street. Huntingdon Street is an arterial road to and from the city centre. In terms of its appearance No 178 is a modern and unsophisticated building, most notably, it stands alone. Consequently, the flank (north-west and south-west) elevations of the building are exposed. These elevations are also devoid of any fenestration. Due to its standalone position and close proximity to the road, this building is very prominent in views when travelling along Huntingdon Street. The appeal site is in a city centre location and the surrounding area is predominantly commercial, although there is residential development opposite the building. There is an existing hoarding located at ground level to the south-east of No 178. The commercial buildings nearby incorporate various signage.
5. The proposal is for two 48 sheet digital displays each measuring approximately 3m x 6m, which would be located on the north-west flank gable ('Advertisement A') as shown on drawing Ref: T4083 A4 061 and south-east flank gable as shown on drawing Ref: T4083 A4 060 ('Advertisement B').
6. Due to their respective locations on the two opposite sides of the building both advertisements would be viewed independently. Therefore, I have considered them separately.

Advertisement A

7. This advertisement would be located on the north-west elevation of the building just below the eaves. As such, it would be seen against the backdrop of the existing building. The advertisement would be subordinate in size to the flank elevation and would not interfere with any architectural features.
8. In respect of the wider area, as previously stated the building stands alone in a predominantly commercial area. Nearby buildings are generally, large modern and utilitarian in appearance. There are no heritage assets within close proximity of the appeal site. I also note that a previous advertisement in a similar position was at the site until 2012. Furthermore, the introduction of the advertisement would enliven an otherwise plane flank elevation. Therefore having a positive impact on its surroundings.
9. The Council states that the proposed advertisement would fail to take advantage of opportunities to be incorporated within the new public realm. However, this appeal relates to advertisements being proposed on an existing building. As such, there is no new public realm being created. Irrespective, the main issue is the effect of the proposed advertisements on the visual amenity of the area.
10. For the above reasons, I conclude that Advertisement A would not harm the visual amenity of the area, which is predominantly commercial in character in a City Centre location. Accordingly, Advertisement A would not conflict with the aims to safeguard amenity of Saved Policy BE19 of the Nottingham Local Plan (2005) and the City Centre Digital Media Interim Planning Statement (2017).

Advertisement B

11. The second advertisement would be sited on the south-east flank elevation of the building in a similar position relative to the building as Advertisement A.

Similarly, this advertisement would be proportionate to the size of the side elevation and would not hide any architectural features of the building. I also note that a previous advertisement in a similar position was at the site. Taking these factors into consideration Advertisement B would not impact on the character and appearance of the building.

12. However, in respect of the wider area, Advertisement B would be located above an existing hoarding at ground level to the south-east of No 178. This hoarding sits diagonally between the front elevation of the building and a recessed boundary wall to the side. Despite some differences in the type and separation between the existing and proposed advertisements, they would be viewed together when travelling away from the City Centre along Huntingdon Street. The introduction of the proposed advertisement in close proximity of the existing hoarding would result in 'visual clutter'. The visual clutter of the advertisements would be further added to by existing nearby road signage and street furniture, which includes traffic lights and lighting columns.
13. Furthermore, the proposed advertisement would be flush with the flank gable of the building, whereas in contrast the existing hoarding is located at ground floor level and sits diagonally, the juxtaposition of these advertisements to each other would in itself create a visually jarring effect between the two. Whilst there is signage on buildings nearby those are seen in the context of existing buildings and would not ameliorate the effect of the proposed advertisement. Consequently, for the reasons set out above, Advertisement B would conflict with Saved Policy BE19 of the Nottingham Local Plan (2005) and the City Centre Digital Media Interim Planning Statement (2017), which inter alia seek to minimise 'visual clutter' arising from advertisements, in the interests of amenity.

Conclusion

14. For the reasons given above I conclude that the display of Advertisement A would be acceptable in visual terms but Advertisement B would harm the visual amenity of the area. I therefore allow the appeal insofar as it relates to Advertisement A but dismiss it insofar as it relates to Advertisement B. In coming to that view I have had regard to advert consents which I have been referred, but have considered the proposal before me, which is materially different from those schemes, on its own merits.

Conditions

15. In addition to the five standard conditions set out in the Regulations, I am also attaching a further condition (1) to limit the illuminance in the interests of the amenity of the area. I have not limited this condition to apply only during the night time, to ensure consistency with the advertisement as applied for. I am also including three further conditions (2) and (3) to avoid distraction in the interests of public safety. The appellant has also suggested a condition prohibiting the sequencing of messages relating to the same product and interactive messaging. I note that the Council has not requested any such condition and the appellant provides no reasoning for it. As such, I am not persuaded that such a condition is necessary.

M Aqbal

INSPECTOR