
Appeal Decisions

Site visit made on 7 November 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 20 November 2017

Appeal A Ref: APP/Q3060/Z/17/3180463

**Glasshouse Street at junction Lower Parliament Street, Nottingham
NG1 1EW**

- 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 Mr Nathan Still of Infocus Public Networks Ltd against the decision of City of Nottingham Council.
 - The application Ref 17/00766/ADV2, dated 6 April 2017, was refused by notice dated 14 June 2017.
 - The advertisement proposed is the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk.
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Appeal B Ref: APP/Q3060/Z/17/3180464

**Pavement fronting King Edward Court, King Edward Street, Nottingham
NG1 1EW**

- 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 Mr Nathan Still of Infocus Public Networks Ltd against the decision of City of Nottingham Council.
 - The application Ref 17/00773/ADV2, dated 6 April 2017, was refused by notice dated 14 June 2017.
 - The advertisement proposed is the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk.
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Appeal C Ref: APP/Q3060/Z/17/3180461

Corner of Bellar Gate and Dean Street, Nottingham NG1 1GL

- 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 Mr Nathan Still of Infocus Public Networks Ltd against the decision of City of Nottingham Council.
 - The application Ref 17/00767/ADV2, dated 6 April 2017, was refused by notice dated 14 June 2017.
 - The advertisement proposed is the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is allowed and express consent is granted for the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk 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 Regulations¹.

Procedural Matter

4. For ease of reference I have referred to the different cases as Appeals A to C in this decision as set out in the headers. Each appeal relates to a different site and I have considered each appeal on its own merits. However, to avoid repetition given the issues raised by the main parties I have considered the proposals together in this document. For clarity, I have detailed which appeal I am referring to in brackets when I am describing or referring to a particular appeal site.

Main Issues

5. With regards to Appeals A and C, the first main issue is the effect that the illuminated advertisement would have on visual amenity, and thus, the character and appearance of the surrounding area, having regard to the Lace Market Conservation Area (LMCA). For Appeal B, the first main issue is the effect that the illuminated advertisement would have on the visual amenity of the surrounding area.
6. For all three appeals, the second main issue is the effect that the illuminated advertisement would have on public safety, with regards to the safety of persons using the highway.

Reasons

Visual amenity

7. The proposed illuminated advertisements that are subject of Appeals A and C are next to, but outside of, the LMCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'
8. The LMCA has a varied character. Buildings in the LMCA are several storeys high and have a varied style and finish. However, despite their inconsistent roof lines, the LMCA comprises of a tightly developed street pattern with few open spaces. This creates an enclosed character. Land to the east of Bellar Gate next to the LMCA has a modern character and appearance due to the modern style of buildings that are in spacious surroundings.
9. Each proposed advert would be a single sided 6 sheet display. The proposal that is subject of Appeal C would be on the same side of Bellar Gate as the National Ice Centre and the Motorpoint Arena which link up to Bolero Square. As a result, the advert that is the subject of Appeal C would relate to their modern character and appearance. This scheme would also not harm the enclosed street pattern or the style or finish of buildings in the LMCA. Nor would this scheme be detrimental to the visual amenity of the area or result in a cluttered local environment.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

10. Commercial premises are in Lower Parliament Street. They are accompanied by advertisements of various style and illumination. However, the scheme that is the subject of Appeal A would be positioned in an area where there are fewer advertisements, while those present do not draw attention to themselves. Consequently the proposal would be detrimental to the visual amenity of the area, especially at night, even if the illumination would be static and within the level recommended by the Institute of Lighting Professionals. It would not, however, harm the setting or character and appearance of the LMCA.
11. In terms of Appeal B, the proposed advert would be prominent on King Edward Street. The street does not contain a large number of advertisements. While, there is a large illuminated advertisement on the flank elevation of Intrigue, as I have no evidence that this advertisement is authorised I do not consider that it sets a precedent or is significant to my assessment of the general characteristics of the locality. The proposed illuminated advert (Appeal B) would draw the attention of passers-by due to its visibility, especially during the hours of darkness or in dull conditions. This would be detrimental to the visual amenity of the area and add clutter to the local environment.
12. The Council have referred to saved policy BE19 b) and c) of the Nottingham Local Plan (Local Plan) which seeks to protect the visual amenity of the area and so it is material to Appeals A, B and C. I have also had regard to paragraph 67 and Section 12 of the National Planning Policy Framework (the Framework). They collectively seek to prevent the negative impact of poorly placed advertisements and promote the conservation and enhancement of the historic environment and heritage assets.
13. For the reasons set out above, I conclude that the proposed advertisement display that is subject of Appeals A and B would not be acceptable, insofar as the visual amenity of the surrounding area. As such, these schemes would not accord with the policies set out above. I conclude that no harm would, however, arise in respect of Appeal A in terms of the LMCA.
14. The proposal that is subject of Appeal C would not be detrimental to the visual amenity of the surrounding area or result in clutter in the local environment, having regard to the LMCA. I therefore conclude that the display subject of Appeal C, would be acceptable, in terms of amenity. It would not therefore conflict with the policies that I have referred to above.

Public safety

15. The advert proposed in Appeal A would be affixed to the payphone kiosk at the traffic light controlled junction of Lower Parliament Street, King Edwards Street and Glasshouse Street. The junction co-ordinates the one-way routing of vehicular traffic on each street. The main flow of vehicular traffic is along Lower Parliament Street and onto Glasshouse Street. There are multiple pedestrian crossing points at the junction linking the footpaths on each street. Although the proposed advert would be located within a deep footway, it would face the junction at a point where drivers are changing their direction of travel close to several well-used pedestrian crossing points. As a result, this advert (Appeal A) is very likely to distract road users. The proposal would not therefore ensure public safety is upheld.
16. The advert subject of Appeal B would be in-between two traffic light controlled junctions. Vehicular traffic travels in a north-east direction only on King

Edward Street. The advert would be within 50 metres of the traffic light junction of King Edward Street and Huntingdon Street. However, the approach to this junction is not obscured, and thus motorists have a good forward visibility of pedestrian and vehicular movements at the junction. Thus, I do not consider that it would unduly distract drivers.

17. Bellar Gate is a one-way route that carries a high volume of vehicles during the day. There are pedestrian crossings to the north and south of Hollowstone on Bellar Gate. The proposed advert (Appeal C) would be next to the northern crossing. It would face southwards into on-coming traffic. Bellar Gate offers good forward visibility as it rises from south to north past the Motorpoint Arena. As a result, drivers approaching the northern pedestrian crossing would have good visibility of any change to the signal. Drivers would also not be able to see the proposed advert until they are nearby, due to street trees and the boundary wall of residential properties to the south. Thus, drivers would not be so distracted that other road users' safety would be harmed.
18. Saved Local Plan policy BE19 d) seeks to ensure that the display of the sign would not prejudice highway safety and so it is material in the consideration the appeals. I have also had regard to Framework paragraph 67, which is concerned with the control of advertisements in the interest of public safety.
19. For the reasons set out above, I conclude that the proposed advertisement display subject of Appeal A would not be acceptable, insofar as public safety as it would prejudice highway safety. Hence, this scheme would conflict with the policies that I have referred to above.
20. The schemes subject of Appeals B and C would not prejudice highway safety. Thus, I conclude that these proposals would be acceptable, in terms of public safety. They would not conflict with the policies set out above.

Conditions

21. With regards to Appeals A and E the Council has not suggested any conditions other than the five standard conditions set out in the Regulations.

Conclusions

22. In respect of Appeal A, I conclude that the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk would be detrimental to the interests of amenity and public safety. For Appeal B, I conclude that the proposed advert would be detrimental to the interests of amenity, but that it would not be detrimental to the interests of public safety. I therefore conclude that the Appeals A and B should be dismissed.
23. With regards to Appeal C, I conclude that the proposed advert would not be detrimental to the interests of public safety and amenity, and thus, the character and appearance of the surrounding area, having regard to the LMCA. Hence, I conclude that the Appeal C should be allowed.

Andrew McGlone

INSPECTOR