



Appeal Decision

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 Ref: APP/Q3060/Z/17/3180470

**Pavement adjacent University, South Sherwood Street, Nottingham
NG1 4BU**

- 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 17/00769/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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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect that the proposed illuminated advertisement would have on: (i) visual amenity and, thus, the setting of the Newton Building, a grade II* listed building; and (ii) public safety, with regards to the safety of persons using the highway.

Reasons

Public safety

3. South Sherwood Street and Burton Street are vibrant routes that are heavily used by vehicles and pedestrians. The traffic light controlled junction is near to the appeal site. The junction directs vehicular traffic in various directions to manage the flow of traffic around the city centre. The junction also provides multiple pedestrian crossing points.
4. The advert would be illuminated at a level recommended by the Institute of Lighting Professionals. However, even with street lighting nearby, the advert would stand out during the hours of darkness or in dull conditions. While static images would only be displayed, the advert is likely to distract bus drivers and cyclists travelling in a southerly direction towards this junction at a crucial time when they are: changing their direction of travel and taking account of vehicle and pedestrian movements. Although illuminated adverts do form part of city centre locations such as this, the consequence of the proposal would be to prejudice the safety of highway users at this junction.
5. Saved policy BE19 d) from the Nottingham Local Plan (Local Plan) seeks to ensure display of the sign would not prejudice highway safety and so it is

material in this case. I have also had regard to paragraphs 17 and 67 of the National Planning Policy Framework (the Framework); which are concerned with the control of advertisements in the interest of public safety so that schemes enhance and improve the places in which people live their lives. I conclude that the proposed illuminated advertisement display would not be acceptable in terms of public safety. Thus, it would conflict with these policies.

Visual amenity

6. The appeal site is next to the Newton Building which is a grade II* listed building on the corner of South Sherwood Street and Burton Street. The Newton Building is a tall, imposing building with flat roofs. Its elevations are clad in Portland stone, while it has a symmetrical composition with broad flanks. The building is a good example of Cecil Howitt's later work, showing the Modernist idea of the "slab and podium" translated into a classical manner.
7. The proposed advert would be prominent next to the eastern flank of the Newton Building. Adverts populate commercial premises in The Cornerhouse and the Royal Concert Hall. They vary in terms of style, character, materials and illumination. Adverts become less frequent to the north of the appeal site on South Sherwood Street, and on the Newton Building.
8. The proposed advert would be apparent to persons occupying nearby buildings on the east side of South Sherwood Street and to passers-by on foot or on bicycle or in buses travelling southwards on South Sherwood Street towards the junction with Burton Street. While the proposal would replace an existing non-illuminated advert that is on display in the kiosk, it would adversely draw attention away from the setting of the Newton Building. The effect would be particularly felt during the hours of darkness or in dull conditions, even if the advert's scale would be modest and there is a variety of adverts beyond the junction to the south. As a result, the proposal would result in clutter which would have a detrimental effect on the visual amenity of the area, having regard to the setting of the Newton Building.
9. Saved Local Plan policy BE19 b) and c) seeks to protect the visual amenity of the area and so it is material in this case. I have also had regard to paragraphs 17, 67 and Section 12 of the Framework; which together seek to prevent the negative impact of poorly placed advertisements and promote conservation and enhancement of the historic environment and heritage assets.
10. The proposal would not reflect the positive quality and appearance of the Newton Building. Hence, it would not preserve the special character and significance of the listed building. Thus, I conclude that the proposed advert would not be acceptable in terms of visual amenity and it would conflict with the policies set out above.

Conclusion

11. The planning system should operate to encourage and not act as an impediment to sustainable growth. I have found no harm from the appeal scheme in relation to visual amenity. However, this is not outweighed, by the harm that I have found in relation to the scheme's impact on public safety.
12. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR