



Appeal Decision

Site visit made on 13 July 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/Q3060/7/20/3250530

Car Park south of 2 Arkwright Street, Nottingham NG2 2GD

- 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 Andrew Foster of Space Outdoor Limited against the decision of Nottingham City Council.
 - The application Ref 19/02461/ADV2 dated 3 November 2019 was refused by notice dated 14 February 2020.
 - The advertisement proposed is described as '1 x 48 sheet freestanding internally illuminated advertising display unit'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Regulations¹, National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. Regulation 3(1) of the Regulations states: A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. Policies 10 and 11 of the Greater Nottingham Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan adopted September 2014, and Policies HE1 and DE6 of the Nottingham City Council Local Plan Part 2 Land and Planning Policies January 2020 (the LPP) seek to protect amenity and public safety and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

4. The main issues in this case are the effect of the proposed advertisement on (i) the visual amenity of the area; and (ii) highway safety.

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

Reasons for the Recommendation

Visual amenity

5. The appeal site comprises a section of the car parking area related to the building at 2 Arkwright Street which, due to the corner plot location, abuts both Arkwright Street and Sheriffs Way. While the building is situated within the Station Conservation Area (the CA), a boundary runs through the car park such that the appeal site itself does not fall within the CA. The Nottingham Station Grade II* Listed Building lies to the north east of the site, visible from Sheriffs Way.
6. The immediate area is characterised by the surrounding commercial uses. The building at 2 Arkwright Street is a former hotel currently displaying the logo of a law firm, and just south of the appeal site on Sheriffs Way is a sizeable commercial unit with large lettered signage along the entirety of its road facing elevation. While the appellant has referenced a previously illuminated display at the appeal site, this is not present on the submitted plans and was not in place at the time of my site visit. Across the road from the site numerous other commercial uses are visible including the Unity Square office development currently under construction. The Grade II* Nottingham Station is also a defining feature of the area, dominating views when travelling south west along Sheriffs Way.
7. The proposal relates to the erection of a freestanding internally illuminated advertising display unit facing Sheriffs Way. Although it is a standard 48 sheet advertisement, due to its size and prominent position it would represent a dominant addition to the locality. As a result of the proposed low level of the advert it would partially obscure the side elevation of 2 Arkwright Street and would be experienced directly beside the signage of the neighbouring commercial unit, creating an increased sense of clutter within a busy and disjointed streetscape.
8. Despite the existence of commercial uses in the area, including the unfinished Unity Square development, illuminated advertisements are not a prevalent feature. Advertisements visible in this immediate area are generally confined to shopfronts or building logos, are non-illuminated and, with the exception of the commercial unit to the south of the appeal site, are modest in nature. Therefore, although the proposal would display static advertisements, the internal illumination would nonetheless add to the prominence of the advert and highlight its incongruous nature in the immediate locality.
9. While visibility of the proposal would be limited when travelling south along Sheriffs Way, views of the sign would be particularly prominent when travelling north due to the orientation of the advert and its proximity to the highway. From this direction it would be experienced in the context of the nearby Grade II* Nottingham Station and the CA. Whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, the Listed Building clearly contributes to the character of the area. Consequently, with regard to the effect of the proposal on the amenity of the area, its presence is a material consideration. While the advertisement would not be visible from the station, it would form part of the environment in which the Listed Building is experienced. It would represent another modern addition to the streetscape which, by virtue of its

size and positioning, would visually compete with the Listed Building and draw attention away from it. This would be harmful to amenity.

10. Furthermore, my statutory duty under section 72(1) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the proposal does not overlook the neighbouring CA, from certain vantage points it would be viewed in the context of it. The main defining features of the CA in the locality of the appeal site are the traditional architectural styles of the station and the building at 2 Arkwright Street. In this context the modern design of the proposal becomes more apparent and would appear an incongruous addition, detracting from the character of these structures. The proposal would therefore cause visual harm to a designated heritage asset on account of the inter-relationship between the site and the immediate character of the CA. The advertisement, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the nearby Conservation Area
11. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

Highway Safety

12. The PPG states 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.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
13. The advertisement would be situated close to the busy Sheriffs Way highway. The wide, open nature of the road provides good visibility. However, drivers travelling northwards will have clear views of the proposal upon rounding the corner from Waterway Street West while passing by the vehicular junction at the Unity Square development and driving towards traffic lights with a pedestrian crossing. This is therefore a complex section of the highway in terms of pedestrians and vehicle users negotiating the junctions at this location. The advert would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Its illuminated display has the potential to catch the attention of drivers and pedestrians alike, reducing their focus on surrounding traffic movements. While the appellant has suggested that the illumination could be controlled by condition, it is nonetheless the case that the proposal could still lead to an increase in collision risk at the location for the reasons outlined above.
14. Given the size of the advertisement, its location, and its illumination, it has the potential to cause increased distraction to highway users in the immediate proximity. As such, the proposal would negatively impact highway safety.

Other Matters

15. Reference has been made to other examples of advertisements in the surrounding area. However, limited information has been provided in this respect and the location and positioning of each advertisement is different.

Most notably, the other examples provided are not experienced in the context of either the nearby CA or Listed Building. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances and reference to other advertisements nearby does not outweigh the harm identified above.

Conclusion and recommendation

16. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I too agree that the appeal should be dismissed.

Kenneth Stone

INSPECTOR