



Appeal Decision

Site visit made on 13 July 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/Q3060/Z/20/3249260

42-44 Glasshouse Street, Nottingham, NG1 3LW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK against the decision of Nottingham City Council.
 - The application Ref 19/02457/ADV2, dated 29 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is described as Upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and advertisement consent is granted for the upgrade of existing 48 sheet advert to support digital poster at 42-44 Glasshouse Street, Nottingham, NG1 3LW. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the digital advertising screen permitted by this consent shall be no greater than 200 candelas per square metre.
 - 2) The advertising screen shall not display any moving, or apparently moving images, or sequencing of images over more than one advert.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.

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.

Main Issues

3. The main issue is the effect of the advertisement on visual amenity.

Reasons for the Recommendation

4. The appeal site is located on the side elevation of 44 Glasshouse Street. A large externally illuminated 48 sheet poster display exists on the appeal site, with other separate non-illuminated advertisements underneath. The proposal would replace the existing 48 sheet hoarding with an internally illuminated digital
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- display of the same size. The proposed advertisement would show static images that would change at intervals of not less than 10 seconds.
5. The appeal site is adjacent to a small car park and falls within an area comprising a mix of residential, commercial and business uses. Glasshouse Street is a busy road in the city centre, with access to the Intu Victoria Shopping Centre car park. The road is one-way with traffic travelling in a northbound direction.
 6. The existing hoarding is in a prominent position and is highly visible to road users and pedestrians approaching from the south of the site. I acknowledge that the existing advertising hoarding did not have consent when it was erected, however the hoarding appears to have been in place for a number of years and is an established part of the street scene. The proposed hoarding would be the same size as the existing, and the illumination of the digital panel would not be significantly different to the existing external illumination. The proposed advertising unit would therefore not cause any greater harm to the character and appearance of the area than the existing unit.
 7. Planning permission exists for a five-storey building housing student accommodation at 1 Howard Street¹, in close proximity to the appeal site. This scheme would not have any windows to habitable rooms that would directly face the proposed advertisement, however the advertisement would be visible from a considerable number of windows at an oblique angle from approximately 27m away. The common limit for the illuminance of digital advertisements in the hours of darkness is 300 candelas per square metre, however in this case the appellant has offered to limit the illuminance of the digital display to 200 candelas per square metre at all times. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment. Moreover, the existing advertisement is externally illuminated and the proposed illumination would not be significantly different to the existing situation, as confirmed in the appellant's D-Poster Testing & Site Report 2019.
 8. As a result of the level of illumination and position of the windows to habitable rooms, the proposed digital advertising unit would not cause any harm to the visual amenity of the future occupants of the approved development opposite the appeal site.
 9. A separate planning application was under consideration, pending a Section 106 agreement, at the time of the appeal submission for an extended site at 1 Howard Street And 24-26 Glasshouse Street, opposite the appeal site, for student accommodation with retail units on the ground floor². As this application had not been determined I afford it limited weight. Even so, this proposed development would also have windows that would face the proposed advertisement obliquely but not directly, and these windows would also be approximately 27m from the advertisement. Therefore, even if the application was granted and implemented, the future occupants would not be affected by the proposed advertisement.
 10. For the reasons given above, I consider that the advertisement would not cause harm to the visual amenity of the future occupants of either the

¹ Planning application ref. 18/00669/PFUL3

² Planning application ref. 19/01256/PFUL3

approved or proposed developments opposite the appeal site. The Council has drawn my attention to saved Policy DE5 of the Nottingham City Local Plan Part 2, which was erroneously referred to as Policy DE6 in the reason for refusal. Policy DE5 applies to advertisement applications and seeks to protect visual amenity, amongst other things. However, whilst I have taken the policy into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Other Matter

11. I note the Council's concern that the proposed digital advertisement unit could potentially affecting the implementation of the developments at 1 Howard Street and 24-26 Glasshouse Street and the further regeneration of this part of the city centre. However, as mentioned above, only matters concerning amenity and public safety may be taken into account. In any case, no substantive evidence has been submitted to demonstrate any risk to the planning permissions or further regeneration of this part of the city centre.

Conditions

12. The appellant suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 55 of the Framework. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.
13. For the reasons given above, I recommend that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out in paragraph 1.

S Ashworth

INSPECTOR