The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/N3020/Z/23/3323034
71 Mansfield Road Gedling Nottingham NG5 6BH

- 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 Wildstone Estates Limited against the decision of Gedling Borough Council.
- The application Ref 2022/1247, dated 28 October 2022, was refused by notice dated 6 April 2023.
- The advertisement proposed is freestanding digital advertisement.

Decision

1. The appeal is allowed and express consent is granted for the display of the wall-mounted digital display 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 Regulations and the following additional conditions:_

   1) The development shall be undertaken in strict accordance with the plans hereby approved, namely:HAR-ENG-0005 PA 03; HAR-ENG-0005 PA 04.

   2) There shall be no moving images, animation, video or full motion images displayed.

   3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m2 in accordance with the recommended maximum night time luminance value set out for Environmental Zone 3 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m2.

   4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m2.

   5) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

6) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

8) Notwithstanding luminance levels specified in other conditions attached to this consent, the display hereby permitted shall be 'dark' (switched off) from 23:00 until 06:00 each night.

Preliminary Matter

2. Although the appellant case refers to replacement of an existing internally illuminated advertisement, at the time of my visit there was no existing hoarding[1] and I have amended the description accordingly. The description does not provide dimensions but what appears on the plans proposed to be approved is a display area of 6.0m x 3.0m set at 2.9m above ground level within a wall mounted metal frame. This is to be fixed to the gable wall of 71 Mansfield Road having a depth (projection from the wall surface) of 250mm. What is proposed would not be 'freestanding' since it relies on a building for support. It is on that basis I have considered the appeal and the decision should be read accordingly.

Main Issues

3. The main issue is the effect of the advertisement display upon amenity.

Reasons

4. Mansfield Road is a busy arterial thoroughfare. The appeal site location at No.71 is the flank wall of a modest, but mixed use, two storey building facing northwards so although the wider area contains a mix of commercial and residential uses, including a converted former mill building, the display would be seen in the context of commercial premises and facing away from the nearest residential properties, being terraced housing adjacent the appeal site and that conversion. These uses define the character and appearance of the area and are the context for what has been proposed.

5. The display would be a large LED screen with images changing at defined intervals. The appellant points to the means of control of brightness and timing of display, suggesting conditions as to best practice. The display would be directed at users of the Mansfield Road travelling in a southerly direction and seen in the context of a large builder's merchant's yard and two motor vehicle sales forecourts with associated buildings and illuminated signage.

6. The display would be silent and illumination would vary according to ambient lighting levels. The proposed sign would be visible from some flats or houses to the north but only at significant distance and in the context of existing illumination and a busy highway. The changing images would continue at night and more conspicuous to residents at times when traffic is low, however the

[1] The Council indicate it was removed some time between May and November 2022

appellant has indicated a 'curfew' period would be acceptable and to my mind this would remove any risk to amenity for such residents.

7. The appellant identifies that the proposed advertisement would sit some 30m and 90m respectively from two listed buildings although due to intervening buildings and the character of intervening uses as I set out, my judgement is that the proposal would not be within their setting. On that basis there would be no harm to the significance of these heritage assets and no consequential loss of amenity.

8. I have concluded the proposed display would not be within the setting of any listed building. I have concluded the display would be experienced within a largely commercial environment on a main highway where signage is already found. Although the display would add to that experience and be of a different form and operational character to what exists there would be no unacceptable cumulative impacts due to its location. The context I have identified as to the character of the appeal location and the nature of surrounding uses directs that, overall, there would be no detriment to amenity.

9. Consequently, taking all matters raised into account, the appeal succeeds. The appellant has indicated a number of conditions in addition to the 5 'standard' conditions for advertisements and time limited grant which I have considered against the tests set out in Planning Practice Guidance. A plans condition is necessary for reasons of clarity and additional standard conditions are necessary due to the digital format. Also for the reasons set out the sign should be switched off between 23:00 and 06:00 each day.

Andrew Boughton

INSPECTOR