



Appeal Decision

Site visit made on 13 December 2023

by Ian McHugh DipTP MRTPI

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

Decision date: 02.02.2024

Appeal Ref: APP/A3010/Z/23/3332633

88 Cheapside, Worksop, S80 2HY

- 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 Group Ltd against the decision of Bassetlaw District Council.
 - The application Ref 23/00811/ADV, dated 30 June 2023, was refused by notice dated 12 September 2023.
 - The advertisement proposed is the upgrade of existing externally illuminated 48 sheet advertisement to support digital poster.
-

Procedural Matter

1. The description of the proposal in the banner heading above is taken from the application form. The description contained in the Council's decision notice is slightly different, as it refers to the proposed advertisement being internally illuminated. For clarity and completeness, I have used the Council's description in my decision below.

Decision

2. The appeal is allowed and express consent is granted for the upgrade of existing externally illuminated 48 sheet advertisement to internally illuminated digital poster, 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 maximum luminance level of the advertisements displayed on the panel during daylight periods shall not exceed 300 cd/m². During hours of darkness the luminance shall be no greater than 100cd/m².
 2. No individual advertisements displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
 3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.
 4. The advertisement display shall at all times contain a feature that will turn off the screen (i.e. show a black screen) in the event of an error or malfunction.
 5. 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 to

dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in 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.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the setting of the Worksop Conservation Area (CA), the Grade II listed Abbey Infants School and Teachers House and other nearby non-designated heritage assets.

Reasons

4. The proposed advertisement would replace an existing externally illuminated 48 sheet display, which is fixed to the side gable wall of number 88 Cheapside, which comprises a retail shop on the ground floor with flat above. The property is located in a prominent position on a main road and the existing sign is clearly visible across a car wash/garage forecourt when approaching from the west (travelling east). A similar, if not identical, advertisement is located just beyond the site on the corner of Cheapside and Lincoln Street.
5. The area is mixed in character comprising a variety of residential and commercial premises. The northern boundary of the CA is on the opposite side of Cheapside, and the CA also contains the Grade II listed Abbey Infants School and Teachers House. In addition, The Hurst, which is opposite the appeal site on the southern side of Cheapside, is considered by the Council to be a 'positive building' within the CA. A non-designated heritage asset, number 90 Cheapside, lies to the rear and side of the appeal building.
6. The CA covers a wide area, but is divided into five character areas. The appeal site is closest to the Priory and Bracebridge Character Area. The Council's Conservation Area Appraisal identifies a number of key views in the locality, but none are close to, or looking towards the appeal site. I have noted that both The Hurst and number 90 Cheapside are highlighted as 'positive buildings' in the Council's Appraisal.
7. The evidence before me is that the existing externally illuminated advertisement display has been in place for over 14 years. As such, it is an established part of the streetscene. It is however, showing its age and, in its current condition, it does little for the appearance of the area. Furthermore, I am not aware of any controls over its appearance or means of display.
8. The proposed display would be digital and internally illuminated and I accept that this would change its appearance and visual impact. The Council contends that its prominent location and associated 'glare' from the illumination would be harmful to the setting of the CA and the other heritage and non-designated heritage assets.
9. The Council refers to Development Plan policy in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety. The provisions of the Development Plan are not determinative. Nevertheless, they can provide useful background in understanding the Council's reasoning and I have considered this, and the other guidance referred to, in reaching my decision.

10. The setting of heritage assets is generally regarded as the surroundings in which the asset is experienced. Its extent is not fixed and may change as the surroundings evolve. In this case, my reasoning is influenced by the existence of the current externally illuminated display. This is also prominent in the streetscene and whilst the appeal proposal would be different in terms of the method of illumination, I am not persuaded that its visual relationship and impact on the setting of the CA, the listed buildings and the other non-designated buildings, would fundamentally change. The separation distances would remain the same, which in the case of the Abbey Infants School and Teachers House, is over 140m.
11. Whilst both The Hurst and number 90 Cheapside are closer and are viewed within the same part of the streetscene as the appeal site, I am not persuaded that the proposed display would have a significantly greater impact on the surroundings and visual relationship with these properties, when compared to the existing. For these reasons, I conclude that the proposal would not have an adverse impact on the character and appearance of the area, or on the setting of the other nearby heritage and non-designated heritage assets.

Other Matter

12. Advertisement proposals should also be considered against public safety. I note that the Highway Authority does not object to the proposal, subject to conditions, and that safety concerns do not feature in the Council's decision notice. I have no reason to disagree and I consider that the proposal would not have an adverse effect on the safety of the public.

Conditions

13. The Council has not suggested any additional conditions other than the five standard conditions that are set out in the Regulations. However, the Highway Authority did put forward suggestions/recommendations. The appellant has also referred to various controls that could be imposed. These mainly relate to the intensity of illumination, the prevention of moving images and the frequency and timing of any changing displays.
14. In my opinion, such conditions are reasonable, necessary and enforceable and are in the interests of both amenity and public safety. Consequently, I have imposed these in my decision.

Conclusion

15. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR