



Appeal Decision

Site visit made on 8 October 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/Q3060/Z/24/3351152

Land adjacent 272 Highbury Road, Nottingham NG6 9FE

- 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 Alight Media against the decision of City of Nottingham Council.
 - The application Ref 24/00895/ADV2, dated 24 May 2024, was refused by notice dated 24 July 2024.
 - The advertisement proposed is replacement 2no existing 96-sheet advertisement displays with 2no illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of 2no existing 96-sheet advertisement displays with 2no illuminated 48-sheet digital advertisement displays at land adjacent 272 Highbury Road, Nottingham NG6 9FE. The consent is for five years and is subject to the five standard conditions as set out in the Regulations.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The national Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be taken into account.

Main Issues

3. Based on the above, the main issues in this appeal are: -
 - The effect of the development on amenity, with particular reference to the Bulwell Conservation Area (the BCA).
 - The effect of the development on public safety.

Reasons

Amenity

4. The appeal site is on the eastern side of Highbury Road and contains two large (96 sheet) illuminated paper and paste advertisement billboards facing oncoming traffic in the appropriate directions. I understand that these have not been used in some time. There is a considerable amount of vegetation on the site.

5. The proposal seeks to replace the two existing advertisements with two 6m x 3m (48 sheet) illuminated digital advertisements with rotating imagery.
6. The site is located within the BCA, and as such, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA.
7. The BCA Appraisal states that Bulwell is a historic market town with a distinctive commercial identity with links to the industries that have shaped the character of the town.
8. The proposed signs would be a reduction on the size and setting of the signs they would replace. There would be internal illumination and the ability to near instantaneously change the advert and the negative effects of such would be minimal. The overall impact would preserve the character and appearance of the BCA and be a neutral impact on the setting of the BCA. As such the proposal would have an acceptable effect on amenity.

Public Safety

9. On this section of Highbury Road, where the advertisements would be located, there have been advertisements previously, albeit these would be digital rather than paper and paste. The adverts would be illuminated, like the previous advertisements, but the proposed adverts would periodically change on rotation.
10. Given the level of visibility in both directions on approach to the site, I find that any distraction to drivers would be minimal, and road conditions are not of a manner that there is a need for significant concentration as to the highway situation to a level where the advertisements would cause a highway / public safety issue.
11. The proposal would not be in conflict with Paragraph 115 of the National Planning Policy Framework which would seek to prevent development or refuse on highway grounds if there were to be unacceptable impact.

Other Matters

12. The Council have drawn my attention to policies in The Nottingham City Coventry Land and Planning Policies : Local Plan Part 2 (2020). The proposed signage would not conflict with these policies in so far as they are relevant to the appeal. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not, therefore, of themselves been decisive, but are material considerations.

Conditions

13. The Council have not requested any conditions, other than the five standard conditions set out in the Regulations in the event of approval. I consider this to be fair and reasonable, and there is no need to impose additional conditions.

Conclusion

14. For these reasons I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR