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## Appeal Decision

Site visit made on 28 January 2025

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> February 2025

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**Appeal Ref: APP/Q3060/Z/24/3349560**

**505 Mansfield Road, Nottingham NG5 2JJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by Wildstone Estates Limited against the decision of Nottingham City Council.
  - The application Ref is 24/00604/ADV2.
  - The advertisement proposed is a D48 advertising display.
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### Decision

1. The appeal is allowed and express consent is granted for a D48 advertising display at 505 Mansfield Road, Nottingham NG5 2JJ in accordance with the terms of application 24/00604/ADV2, dated 05 April 2024. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the Regulations 2007 and the following additional conditions:-
  1. The maximum level of illumination shall be no more than 300 c/m2 during hours of darkness (dusk until dawn). The level of luminance of the advertisement display shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within the limits set by this condition.
  2. The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
  3. No individual advertisement shall be displayed for a duration of less than 10 seconds and the transition between advertisement images shall take place over a period no greater than one second.

### Preliminary Matters

2. In the banner above, and in my formal decision, I have amended the description of the advertisement from that which is contained on the application form as it more accurately and concisely describes the advert proposed. I have also amended the site address to that contained within the appeal form as I consider this more accurately reflects the location of the site.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

## **Main Issues**

4. The main issues are the effect of the advertisement on a) the amenity of the area; and, b) public safety.

## **Reasons**

### *Amenity*

5. The appeal site is located on a stretch of Mansfield Road which is highly commercialised, particularly at ground floor level. A number of residential properties are located on the upper floors of these commercial premises. No.505 Mansfield Road, projects forward of its immediate neighbour with the flank elevation of the building exposed and prominent in the street scene. The side elevation of No.505 is slightly angled towards the highway. An advertisement hoarding was previously attached to the flank elevation, which has since been removed. That hoarding was large, filling much of the elevation, and partially projected beyond the slope of the roof.
6. The proposed digital display would be a replacement of the hoarding and would be similar in scale. Notwithstanding this, it would be positioned slightly lower on the elevation and therefore would not project above the pitch of the roof. Furthermore, the display would be less bulky due to its shallower depth. Therefore, the digital display would sit much more comfortably and harmoniously on the elevation than the hoarding did and would represent a visual betterment to the site. Signage in this location is established and, as such, its replacement with a digital display of a similar size would not result in any cumulative concerns regarding signage in the area.
7. The display would be more noticeable and vibrant than the poster hoarding due to its digital nature and changing images. However, as noted above, the siting of the display would be against the backdrop of a building helping to visually contain the advert. This also limits its visibility to one direction along Mansfield Road. Furthermore, the surrounding area is well lit with street lighting, while there are various illuminated signs along this part of Mansfield Road. As such, the level of lighting, and commercial character of the area would ensure that the sign would not appear so stark or prominent to appear out of place within its surroundings at night time.
8. I note that there are residential properties close to the site from which the advert may be visible. The elevation on which advert would be sited is angled slightly away from the flats to the immediate south. The juxtaposition between the display and these flats would mean that any view of the display from these properties would be at an oblique angle and not obtrusive. The digital display would not directly oppose any windows to flats on the opposite side of Mansfield Road which would also view the display at an angle. Therefore, I do not consider that the display would be visually obtrusive to those properties either.
9. Accordingly, I conclude that the proposed advertisements would not be harmful to the amenity of the surrounding area. I have taken into account the provisions of Policy DE5 of the Nottingham City Land and Planning Policies Development Plan Document – Local Plan Part 2 (2020) (the LAPP), so far as it is material to this particular main issue, in accordance with the Regulations. Given that I have

concluded that the proposal would not be harmful to the amenity of the area, it would accord with this policy.

### *Public Safety*

10. Mansfield Road is a busy arterial route in the city with a 30mph speed restriction. Adjacent to the appeal site, Mansfield Road comprises two-way traffic across four lanes with pavements either side of the vehicular highway. The street is well-lit from street lighting and commercial uses. A signal controlled junction is located close to the site at the junction of Mansfield Road and Haydn Road. This junction includes a pedestrian crossing and central refuge. The highway is relatively straight which provides for good forward visibility towards the appeal site and adjacent junction.
11. The Planning Practice Guidance<sup>1</sup> (the PPG) states that all advertisements are intended to attract attention, and those at points where drivers need to take more care are more likely to affect public safety. These include junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. Furthermore, the PPG advises<sup>2</sup> that the main types of advertisement which may cause danger to road users are those which are illuminated; those which could be mistaken for, or confused with, traffic lights; and, those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.
12. Digital advertisements of the size and form proposed are commonly experienced along the urban transport network and, having regard to the PPG, are not unusual in nature. Therefore, under normal driving conditions in an urban environment, such advertisements are unlikely to represent a distraction to motorists. In this instance, the siting of the advert would be positioned on a side wall of a building adjacent to the highway and, as such, would not cause any physical obstruction to views to users of the highway with forward visibility unaffected. In this context, as the display would be positioned on a building, it would not be mistaken for or confused with a traffic signal, road sign or the headlights of vehicles travelling in either direction.
13. The display would attract attention, however, as I note above road users would have good forward visibility, and clear sight lines of the nearby junction, its signals and road signage. The advertisement would also assimilate into the immediate environment where other illuminated signage is present. As such, the advertisement would not attract the full attention of road users travelling toward the LED display. Furthermore, due to the restrictive speed limit and proximity to the junction, vehicles would generally be approaching the junction and pedestrian crossing at low speeds. As such, I do not consider the characteristics of the street and position of the sign would cause such a distraction to result in a danger to users of the highway.
14. Due to the position of the pedestrian crossing, the sign would not be visible to pedestrian users when crossing Mansfield Road. The sign would be visible to pedestrians crossing Spondon Street although, due to its position and set back, it is

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<sup>1</sup> Paragraph: 067 Reference ID: 18b-067-20140306

<sup>2</sup> Paragraph: 068 Reference ID: 18b-068-20140306

unlikely to result in such a distraction to cause danger to pedestrians crossing this junction.

15. The appellant has suggested additional conditions<sup>3</sup> which, include, amongst other things, a restriction on the types and nature of images that the PPG identifies as potentially more dangerous. As such, such controls on its display, would further limit the distraction of the display to road users.
16. For these reasons, I conclude on the second main issue, that the proposed advertisements would not be harmful to public safety. I have taken into account the provisions of Policy DE5 of the LAPP, so far as material to this particular main issue, in accordance with the Regulations. Given that I have concluded that the proposal would not be harmful to public safety, it would accord with this policy.

### **Conditions**

17. In addition to the 5 standard conditions, I have considered those suggested by the appellant. These seek to control the level of luminance, to control the frequency of image change, to ensure that the images remain static and that no road/traffic signs are displayed. I agree that these are necessary to safeguard public safety and in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness or merged together for conciseness.

### **Conclusion**

18. For the reasons given above the appeal should be allowed.

*D Cleary*

INSPECTOR

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<sup>3</sup> Contained within Appendix 5 of appellants Grounds of Appeal, prepared by Carter Jonas, dated August 2024