



Appeal Decision

Site visit made on 10 February 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/N3020/Z/24/3349807

Goeland House, 178 St Albans Road, Arnold NG5 6GW

- 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 Gedling Borough Council.
 - The application Ref is 2024/0261.
 - The advertisement proposed is the replacement of gable end externally illuminated poster with digital display.
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Decision

1. The appeal is allowed, and advertisement consent is granted for the replacement of gable end externally illuminated poster with digital display as applied for at Goeland House, 178 St Albans Road, Arnold NG5 6GW. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹ and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement display permitted by this consent shall accord with the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide) during daylight hours (dawn to dusk) and shall not exceed 150cd/sqm during the hours of darkness (dusk to dawn).
 - 2) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be no greater than 1 second.
 - 3) The advertisement display shall only display static images and shall not display any moving images, or apparently moving images. For the avoidance of doubt there shall be no special effects (including animation, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind during the time that any message is displayed.
 - 4) In the event of malfunction, the digital advertisement screen shall automatically power off.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

3. The Council's Decision Notice and Planning Officer's Report refer to 'Oxclose Road', which does not match the name of the road as outlined within the evidence before me, nor my site visit observations. In the interest of clarity, I have referred to 'Oxclose Lane' in my assessment below.
4. The Council has drawn my attention to Policy LPD 61 of the Gedling Borough Local Planning Document Part 2 Local Plan 2018 (LP), and I have taken it into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach. Therefore, in my consideration of this appeal, the Council's policy has not, by itself, been decisive.

Main Issue

5. The Council does not object to the proposed advertisement on amenity grounds. Following my site visit I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons

6. The appeal site is the flank wall of No 178 St Albans Road, which faces onto a junction of classified roads: Mansfield Road A60 and Oxclose Lane B6004. There are several traffic lights and signalised pedestrian crossings that serve this junction. Generally, visibility is good, and the speed limit is 30 miles per hour.
7. The proposed advertisement would have an elevated position, around 6.6 metres from the ground. It would replace an existing externally illuminated advertisement and would have a similar size and position to that of the existing one. Thus, it would be mostly visible within the street scene of Oxclose Lane and Mansfield Road.
8. I have considered the Council and the Highway Authority's concerns regarding the effect of the proposed advertisement on public safety. Particularly, I note their comments regarding the possible effect of the advertisement on drivers travelling north on Mansfield Road, or those approaching the junction on Oxclose Lane and stop at the traffic lights. However, the proposed advertisement would be set away from the traffic lights and would have such an elevated position that there would be no overlapping views towards it with the signal heads.
9. Furthermore, the LED images displayed would be static and the transition between successive advertisements is indicated to be instantaneous. The roadside lighting would limit the prominence of the proposed illumination when it is dark, particularly considering the proposed luminance levels at these times (150cd/sqm). The appellant has also highlighted that they would be prepared to accept conditions restricting the use of message sequencing, the prevention of interactive messages and advertisements, and the use of visual or special effects between successive displays.
10. The Highway Authority suggested not changing the message more than once per minute, rather than once every 10 seconds which I understand is the standard in the industry. However, this recommendation has not been substantiated.

Furthermore, I have not been presented with any evidence which suggests that either the junction or highway in the immediate vicinity of the appeal site is inherently dangerous or prone to accidents.

11. I acknowledge that the changing display of the proposed digital advertisement would be more likely to draw the eye than the existing static advertisement. However, subject to controls over the speed and nature of those changes, and having regard to the local traffic conditions, the nature of the junction, and the siting of the proposed advertisement in relation to the junction, I do not consider that this would be unduly distracting. Hence, it would avoid having an unacceptable effect on the public safety of motorists or pedestrians using the highway in the vicinity of the site.
12. Consequently, based on the evidence put forward and my observations at my site visit, the proposed advertisement would not result in a harmful effect on public safety. Therefore, there would be no conflict with Paragraph 141 of the Framework. Although not determinative, there would also be no conflict with the highway safety aims of Policy LPD 61 of the LP.

Other Matter

13. Concerns were raised regarding the effect of the proposed advertisement on the living conditions of the occupants of nearby dwellings. Given that the advertisement would face Mansfield Road, rather than St Albans Road, I find that the proposed advertisement would not have a detrimental impact on amenity.

Conditions

14. The Council, at the appeal stage, is satisfied that no other conditions beyond the five standard conditions in the Regulations are required. The appellant has suggested the imposition of various additional conditions to control the movement, transition, and timing of the images, as well as the luminance of the advertisement and the incorporation of a fail-safe mechanism in the event of a technical problem.
15. I consider that these conditions would be reasonable and necessary in the interests of protecting the public safety of highway users. However, I have adjusted the wording suggested in the interests of precision and brevity.
16. In addition to the conditions above, the appellant has also suggested a condition to control the type of images displayed, particularly those that would resemble official road traffic signs, traffic lights or traffic matrix signs. This matter is adequately covered within the standard conditions, making an additional condition unnecessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed in the terms set out.

Andreea Spataru

INSPECTOR