
Appeal Decision

Site visit made on 28 February 2025

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Q3060/Z/25/3358765

Land at Queens Drive Industrial Estate, Queens Drive, Near Gateside Road, Nottingham, NG2 1LT

- 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 Vivid Outdoor Media Solutions (B) Ltd against the decision of Nottingham City Council.
 - The application Ref is 24/01756/ADV2.
 - The advertisement proposed is for the display of 2 No. LED signboards (displaying static images)].
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The local planning authority (LPA) has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. 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, by themselves, been decisive.
3. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear (the 2025 Framework). The 2025 Framework (the Framework) has not materially changed in terms of the identified main issues below and therefore, it has not been necessary for me to seek comments from the main parties in respect of the changes.

Main Issues

4. The main issues are the effect of the proposed advertisement upon (i) visual amenity and (ii) public safety.

Reasons

Amenity

5. The proposed digital display, consisting of two signboards set back to back on one stand, would be approximately 3.4 metres tall with a width of some 6.4 metres and a depth of approximately 0.3 metres, all being about 2.5 metres from the ground to the base of the advertisement. It would be a metal frame with LED signs, and

where the internally lit advertisements would change remotely, with a proposed illumination level of 5,000 cd/m².

6. The advertisement display would be located on what is described as a privately owned verge area, visible from Queens Drive.
7. The verge area forms part of a more extensive landscaped verge alongside Queens Drive consisting of a planned, well maintained, grassed area including mature groups of trees within it. The linear landscaping provides a pleasing, attractive edge to the road and softens the appearance of the commercial properties beyond it.
8. On my site visit, I was able to see that there is an absence of advertisements located within the verge. While I noted the advertisements associated with a public house in the vicinity, these are at some distance from the appeal site and relate specifically to that establishment, rather than being for general advertising purposes, as in the case of the appeal proposal,. Overall, the immediate area of the verge around the appeal site is characterised by its landscaped setting, free of advertisements within it. This adds distinctively and positively to its character and appearance.
9. The proposed signage, by its size, and height and by its colour, luminosity and frequent changes, would introduce a garish, multi-coloured, constantly changing element, thereby representing an incongruous addition, to the detriment of the visual amenity of the area. As such, it would not assimilate well into the landscaped setting around it. Therefore, it would have a materially adverse effect upon the amenity of the area.
10. Therefore, I conclude that the advertisements would not accord with Policy DE5 of the Council's Land and Planning Policies 2020 (LAPP) which requires advertisements to be appropriate to the area in which they are to be located in terms of scale, position, character and illumination, or with the Framework which notes that the quality and character of places can suffer when advertisements are poorly sited.

Public Safety

11. Queens Drive is a busy thoroughfare, and while drivers travelling on it in a northerly direction would be able to see the advertisements without having to turn to take their eyes off the road in front of them, they would be located at a point where there are junctions with Dunsil Drive and also with right turning vehicles onto Riverside Way. It would be in an area where the advertisements would constitute a distraction when concentration is needed as drivers manoeuvre into position on the carriageway.
12. For drivers travelling in a southerly direction, the advertisements would not be as easily within their line of sight along the road and would be close to the point where other drivers enter Queens Drive from Riverside Way and where concentration is required.
13. I consider that these factors would mean that the proposed advertisements would be a particularly unwelcome distraction to drivers, causing an adverse impact upon highway safety. Therefore, I conclude that the proposed development, by its siting, scale, brightness and its changing images would not accord with Policy DE5 of the

LAPP which requires advertisements to have no adverse impact upon highway or pedestrian safety.

Conclusion

14. For the above reasons, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR