
Appeal Decision

Site visit made on 23 May 2025

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 17 June 2025

Appeal Ref: APP/B3030/Z/24/3356903

Petrol Filling Station, 69 North Gate, Newark on Trent NG24 1HD

- 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 Estates Limited against the decision of Newark & Sherwood District Council.
 - The application Ref 24/01602/ADV, dated 5 September 2024, was refused by notice dated 4 November 2024.
 - The advertisement proposed is a small format advertising display.
-

Decision

1. The appeal is allowed and express consent is granted for a small format advertising display at Petrol Filling Station, 69 North Gate, Newark on Trent NG24 1HD, in accordance with the terms of the application, Ref 24/01602/ADV, dated 5 September 2024, subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the advertisement display and its illumination on the visual amenity of the area, including the effect on the character and appearance of the Newark Conservation Area (the CA).

Reasons

3. The proposal is for a one-sided small format freestanding internally illuminated advertising display, about 928 mm x 1650 mm in size, mounted within a black steel frame structure about 2.4 m tall, 1.2 m wide and 0.2 m thick. The display would be located in one corner of the petrol filling station forecourt on the western side of Northgate, immediately next to the southern entrance, with the display facing north towards the forecourt and backing onto the boundary wall of the adjacent office building No 67.
4. Northgate forms part of one of the main distributor roads within Newark, a long, straight and relatively busy route between the A1/A46 junction and the town centre. South of the railway, up to and beyond the appeal site, the western side of the road is primarily commercial in nature, with extensive retail warehousing and associated large scale advertising, including the recently developed Maltings Retail Park to one side and running behind the appeal site. This substantial scheme, which comprises large units such as B & Q to the rear of the petrol filling station and two small units on the road frontage, includes numerous advertisements, many illuminated into the evening. Whilst the

eastern side of the road is primarily residential, a tyre depot and large Halfords store, again with much advertising, lie opposite the appeal site.

5. Given this general commercial context, the petrol filling station with colourful canopy, pole sign and associated Londis convenience store with its fascia signs does not appear out of place in the street scene. Furthermore, with both petrol station and store open 24 hours a day, the forecourt is lit all night. Whilst slightly larger than the non-illuminated poster currently located on the site, the small format display would be a minor addition when seen within the existing forecourt and its illumination not unreasonable given the current illumination of the petrol filling station at night. The proposed regularly changing display is now a common feature of such advertising and is widely accepted.
6. Seen from the south and No 67 the rear of the display structure would project slightly above the boundary wall but being both inactive and black in colour this would not be obtrusive. The display would be seen diagonally across the road from the front windows of the nearest terrace of residential properties, Edwin Place, but it would be some distance away and the additional visual impact marginal given the existing view of the petrol filling station and Londis store, both illuminated at night, together with the Maltings Retail Park behind.
7. The site lies within, albeit on the edge of, the large-scale Newark CA which covers a large part of the town including the western side of Northgate in the vicinity of the appeal site. This part of the CA, which includes the Maltings Retail Park, is thus commercial in nature with numerous advertisements a part of its existing character. The additional small format display would only form a minor feature within this part of the CA and consequently would have no significant impact on its character and appearance.

Conclusion

8. For these reasons, the small format advertisement and its illumination would not adversely affect the visual amenity of the area and would preserve the character and appearance of the Newark CA. The display would comply with Policies 9 and 14 of the Newark & Sherwood Core Strategy 2019, Policies DM5 and DM9 of the Allocations and Development Management DPD 2013 and the Shopfronts and Advertisements Design Guide SPD 2014. These require a high standard of design, seek to protect the historic environment and aim to control advertisements in relation to the visual amenity of the area. The display would also comply with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
9. In addition to the standard conditions set out in the Regulations the appellant has offered to accept seven conditions which are not disputed by the Council. These have been amended slightly for clarity. It is necessary to define the approved plans in the interests of certainty, to control the luminance of the display both day and night in the interests of amenity and to control the content of the display to avoid undue distraction and/or confusion to highway users in the interests of highway safety.
10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in strict accordance with the approved documents for this Advertisement Consent which comprise:
 - Completed application forms
 - Letter Statement
 - Architectural drawings including:
 - FS655/PA/01 Site Location Plan
 - FS655/PA/02 Existing Site Plan
 - FS655/PA/03 Proposed Site Plan
 - FS655/PA/04 Site Location Plan
 - FS655/PA/05 Existing and Proposed Elevations
 - FS655/PA/06 Specification
 - FS655/PA/07 CGI
- 2) There shall be no moving images, animation, video or full motion images displayed.
- 3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).
- 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is not too bright), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).
- 5) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages/advertisements being displayed.
- 6) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.