



Appeal Decisions

Site visits made on 18 June 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

CASE DETAILS – All Appeals

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against refusals to grant express consent.
 - The appeals are made by Mr Nathan Sill (Infocus Public Networks Ltd) against the decisions of Coventry City Council.
 - The advertisement proposed in each case is described as the 'display of a single illuminated sequential display affixed to the frame of the communication hub.'
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Appeal A Ref: APP/U4610/H/18/3215223

Opp Pool Meadow Bus Station, Hales Street, Coventry CV1 1JA

- The application Ref ADV/2018/2015, dated 12 July 2018, was refused by notice dated 11 September 2018.
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Appeal B Ref: APP/U4610/H/18/3215225

OS 3 Trinity Street, Coventry CV1 1FL

- The application Ref ADV/2018/2016, dated 12 July 2018, was refused by notice dated 11 September 2018.
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Appeal C Ref: APP/U4610/H/18/3215229

OS Blue Arrow, Cross Cheaping, Coventry CV1 1HG

- The application Ref ADV/2018/2017, dated 12 July 2018, was refused by notice dated 11 September 2018.
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Appeal D Ref: APP/U4610/H/18/3215245

OS WH Smith, Smithford Way, Coventry CV1 1FY

- The application Ref ADV/2018/2020, dated 12 July 2018, was refused by notice dated 11 September 2018.
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Appeal E Ref: APP/U4610/H/18/3215249

Adj Pravha, Bull Yard, Coventry CV1 1LH

- The application Ref ADV/2018/2021, dated 12 July 2018, was refused by notice dated 11 September 2018.
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Decisions

1. All of the appeals are dismissed.

Procedural Matters and Background

2. As set out above, there are five separate appeals. Whilst each appeal relates to a different site, the advertisements proposed are the same. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter.
3. The appeals propose the display of 'a single illuminated sequential display affixed to the frame of the communication hub'. This would comprise a slender, freestanding structure standing 2600mm high, 1338mm wide and 312mm deep. The advertisement would be an 85" (1.97m²) illuminated digital display to one side displaying a series of static images set behind 8mm thick anti-vandalism hardened laminated glass.
4. The appellant's evidence indicates that the other side of the 'communication hub' in each case would form a telephone kiosk for which prior approval has been sought by the same appellant under separate, but concurrent appeals which are before me¹. At the time of my site visit, the kiosks had not been installed. However, the planning and advertisement regimes are separate. Accordingly, I have dealt with the advertisement appeals on their own merits and I have not considered the development of the telephone kiosks as part of my decisions on these appeals for advertisement consent.
5. The appeal sites are all located within walking distance of each other in Coventry city centre. The site of Appeal A is within the wide footpath outside Millennium Place and within the Lady Herbert's Garden and the Burges Conservation Area (the LHGBCA). The sites for Appeals B and C are located to either side of the pedestrianised area of Ironmonger Row, near Holy Trinity Church, with the former just around the corner on Trinity Street and the latter at the top of Cross Cheaping. The site of Appeal D is located on Smithford Way outside the West Orchards Shopping Centre, whilst the site of Appeal E is to the south on Bull Yard, a pedestrianised area close to Christchurch spire.
6. The Regulations and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control in the interests of amenity and public safety. Therefore, whilst the Council also raises the issue of anti-social behaviour, in particular the advertisements being a target for graffiti, I have limited my considerations to amenity and public safety. In each of these appeals, the Council raises concern in respect of both the amenity of the area and public safety. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material.²
7. In each of the appeals, the Council refers to the effect of the proposals on the character and appearance of the conservation area, or the setting of nearby listed buildings or scheduled ancient monuments. Accordingly, as necessary in each case I have paid special attention to the desirability of preserving or enhancing the character or appearance of the relevant conservation area³, and

¹ Appeal Refs APP/U4610/W/18/3215221, /3215224, /3215228, /3215242, /3215247.

² Regulation 3(1)

³ In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

have had regard to the presence of any feature of historic, architectural, cultural or similar interest.⁴

Main Issues

8. Therefore, the main issues in each appeal are whether the proposed advertisements would be acceptable with respect to amenity and public safety.

Reasons

Appeal A – Hales Street

9. The appeal site is within a large, open, pedestrianised area within the LHGBCA which includes the public space of Millennium Place in front of the Coventry Transport Museum, and which connects the main retail areas via Trinity Street with the public park of Lady Herbert's Garden. Just beyond the appeal site are the scheduled ancient monuments of Swanswell Gate and the City Walls at the entrance to Lady Herbert's Garden, which is also a Grade II Registered Park and Garden. Immediately across the road is the locally listed Old Fire Station, whilst the whole of this area is oversailed by the impressive, sweeping curves of the Whittle Arch. The significance of the LHGBCA lies in its concentration of well-preserved heritage assets in an open setting which has been enhanced by the creation of an extensive area of public realm affording vistas through the area towards Swanswell Gate and the Lady Herbert's Garden.
10. Street furniture in the public realm is minimal, being limited to two rows of flagpoles and street lamps to the inner part of the footway, other individual lampposts and a slender monument. A bus shelter is located near the proposed site of the advertisement. I noted that the bus stop did not contain any advertisements, unlike others I saw around the city, and there were limited advertisements generally within this part of the LHGBCA.
11. The advertisement would be displayed prominently within the wide footway, towards its outer edge and away from other street furniture. In this position, it would be conspicuous in public views from a number of angles. The plans are unclear as to which direction the advertisement would face. Were it to face towards Trinity Street/Fairfax Street, the advertisement would form a discordant and impeding structure as one approaches Swanswell Gate and Lady Herbert's Garden, detracting from the appreciation of the heritage assets in longer vistas. Should the advertisement face towards Swanswell Gate, and be viewed from this side, it would stand intrusively within an open street scene where illuminated advertisements are not prevalent, unduly drawing the eye and detracting from the considered public realm, including the Whittle Arch.
12. Consequently, the advertisement would harm the amenity of the area through its adverse effect on the character and appearance of the LHGBCA and on the settings of the Registered Park and Garden, the scheduled ancient monuments and the locally listed Old Fire Station.
13. In terms of public safety, I observed that whilst the footway was well-trafficked by pedestrians, those that passed did not generally cross over the site of the proposed advertisement, the desire line appearing to be further in on the footpath. Even so, the footpath is broad and open around the appeal site and pedestrians would not be unduly obstructed by the advertisement, nor would it

⁴ Regulation 3(2)(a)

be close enough to the edge of the carriageway that it would impede drivers' view of a pedestrian stepping out into the road from behind the advertisement. Therefore, the proposal would not result in harm to public safety. This, however, is a neutral matter which weighs neither for nor against the appeal proposal.

Appeal B – Trinity Street

14. Trinity Street is a busy commercial street, offering a route from the bus station, Millennium Place/Coventry Transport Museum and Lady Herbert's Garden towards Holy Trinity Church and shopping on Broadgate. It also has a transport function with a number of bus stops. As would be expected of a commercial street, advertisements are visible on shopfronts along both sides. I also observed some digital advertisements sitting within the bus shelter structures.
15. The proposed advertisement would stand by itself in the footway on the opposite side of the street to the bus shelters, which does not have other street placed advertisements.
16. The Council refers to the effect of the advertisement on the settings of the Grade I Holy Trinity Church, the locally listed Flying Standard public house and the Hilltop Conservation Area (HCA), within which both of these buildings sit. The significance of the HCA derives from it covering the oldest part of the city with a high concentration of significant medieval assets, many of them listed.
17. The appeal site lies outside of the HCA but would be seen from the open public realm in front of the Flying Standard public house and Holy Trinity Church, parts of which lie within the HCA. Notwithstanding the orientation of the advertisement, from this direction, the advertisement and/or its structure would be seen close to an existing digital advertisement around the corner of Burges House on Ironmonger Row. Cumulatively, this would create a cluttered appearance at odds with the minimal street furniture along this side of Trinity Street, which the Council indicates has undergone recent public realm improvements.
18. On approach up Trinity Street, the advertisement would form an isolated and discordant feature in the street scene which would be prominent in the near approach to the HCA and its component buildings, in particular the Flying Standard public house, views of which the advertisement would detract from. Although the spire of Holy Trinity Church is visible above the public house, it is well screened and not immediately prominent within the area of the proposal, and so its setting would not be adversely affected.
19. Consequently, I find the proposed advertisement would harm the amenity of the area, including by adversely affecting the settings of the Hilltop Conservation Area and the locally listed public house.
20. In terms of public safety, the advertisement would be located some 0.5m from the outer edge of the footway. In this position, it would potentially obscure driver's views of pedestrians stepping into the street, which I observed to be a possibility given the presence of a bus stop directly across the road. I therefore find that the siting of the advertisement would pose a danger to public safety.

Appeal C – Cross Cheaping

21. The advertisement would be displayed at the top end of the commercial street of Cross Cheaping, where it opens out into an area of public open space on Ironmonger Row. This space is characterised by planned and consistent street furniture and trees, and a lack of illuminated advertisements. Upon entering the space from Cross Cheaping, it forms an important vista towards the Grade I Holy Trinity Church, the locally listed Flying Standard public house and the HCA. The proposed advertisement, due to its prominent siting within a broad, open area of pavement, and use of illuminated displays, would introduce a conspicuous and discordant feature which would detract from the co-ordinated design and layout of the public open space, and would intrude upon views and the experience of the aforementioned heritage assets.
22. Consequently, I find the proposed advertisement would harm the amenity of the area, including by adversely affecting the settings of Holy Trinity Church, the Hilltop Conservation Area and the locally listed public house.
23. In terms of public safety, I saw that the footpath is broad and open around the appeal site and pedestrians would not be unduly obstructed by the advertisement, nor would it would impede drivers' view of pedestrians stepping out into the road from behind the advertisement on what is a slow speed, one-way section of highway. Therefore, the proposal would not result in harm to public safety.

Appeal D – Smithford Way

24. The advertisement would be located on a busy, pedestrianised shopping street, outside the entrance to West Orchards Shopping Centre. There is a proliferation of street furniture along the centre of the street, including benches, cycle storage, street signs and standalone kiosks selling food and other goods. I saw that there were a number of freestanding digital advertisement structures to the north, spaced along the spine of the street, set at a 45 degree angle with dual displays.
25. The proposed advertisement would sit in front of and below a large entrance sign for 'West Orchards', behind which is a row of cycle racks and street trees. Whilst the area includes some digital advertisements, they are positioned along the central spine of street furniture and beneath the crowns of street trees, which limits their visibility from further along Smithford Way. In contrast, the proposed advertisement would be positioned in front of the other street furniture and would be visible to a large area of open public space. In this position, the advertisement would be conspicuous and discordant, and would create a cluttered arrangement when seen in combination with the existing sign and other street furniture behind.
26. A short distance to the south of the appeal site are several Grade II listed buildings, including the City Library; Marks and Spencer and 4-10 Smithford Way; and Upper Precinct, North and South Link Blocks and Piazza. They were listed in March 2018 as good examples of post-war commercial architecture, which have architectural and historic interest through their design and their forming part of the first planned pedestrian precinct development in England. The proposed advertisement would be seen in the same established

commercial context as the listed buildings, where advertising is prevalent within a busy public realm. Given its slightly detached position relative to the listed buildings, the other advertisements which exist, both in the street and on buildings, along with intervening street furniture, I find that the proposed advertisement would not adversely affect the settings of these listed buildings. However, notwithstanding this, the proposed advertisement would harm the amenity of the immediate area due to its cluttered and conspicuous appearance in the street scene.

27. In terms of public safety, I saw that the footpath is broad and open around the appeal site and not on the desired paths of pedestrians. Therefore, the proposal would not unduly obstruct pedestrians and would not result in harm to public safety.

Appeal E – Bull Yard

28. Bull Yard is a small, pedestrianised square with commercial units on three sides. The surroundings include several designated heritage assets, most notably the Grade II* listed Christchurch spire, but also the Grade II listed Victorian and Georgian townhouses on Warwick Road and Warwick Row. To the rear of the square is a Grade II mural at the Three Turns pub, a 1960s relief sculpture described as of the city's significant examples of post-war public art.
29. Within the square itself are a number of enclosed areas of outdoor seating serving restaurants, along with permanent benches and other small items of street furniture such as bins. On the extended pedestrianised areas immediately outside the square, there is a digital totem display providing public information. There is also a line of street furniture running parallel to the square including a post box, signpost, bin and two mature trees and a sculpture, with further large trees populating the area towards Christchurch spire. I saw that advertisements in the area were generally muted, with a lack of prominent illuminated displays.
30. The proposed advertisement would be located to the centre of the pavement at the front of Bull Yard, which is well-trafficked by pedestrians passing through the area. Standing by itself in the centre of the public space, the advertisement would be prominent in the open vistas towards both Hertford Street and Warwick Row. Here, it would be an unduly conspicuous and discordant feature at odds with the muted advertising within the surroundings and the square's open character and would therefore harm the amenity of the area.
31. Within the wider context, the aforementioned listed buildings are visible, though from most viewpoints, the buildings are obscured wholly or partially by tree cover. From my observations, the listed buildings on Warwick Row and Warwick Road, whilst they can be glimpsed from the appeal site, are sufficiently distant and screened that the proposed advertisement would not have an adverse effect on their settings. The advertisement would be seen within the same panorama in views of Christchurch spire from the top of Warwick Row. However, from here the advertisement, though visible, would not be prominent or intrude into views of the spire, and so would not adversely affect its setting.
32. The listed mural to the rear of the square is set under an oversailing part of the building. This, and the intervening trees and planter boxes within the square serve to enclose the mural from wider view. From my observations, the

proposed advertisement would not adversely affect the setting of the listed mural. However, notwithstanding this, the proposed advertisement would harm the amenity of the area due to its conspicuous and discordant appearance in the street scene.

33. In terms of public safety, the advertisement would be located in the centre of a well-trafficked pedestrian area. It would add to the street furniture in the area and would create a further obstacle for pedestrians to negotiate. Although the footway is relatively wide at this point, the size and form of the advertisement would narrow the footway to either side which would exacerbate the inconvenience to pedestrian movement arising from the siting of the advertisement, causing harm to public safety.

Conclusions

34. In all of the above cases, I conclude that the proposals would be detrimental to the amenity of the area, and in Appeals A, B and C, there would be harm to the significance of designated heritage assets. Whilst not determinative, there would be conflict in each case with Policy DE1 of the Coventry Local Plan 2016 (the CLP) and Policy CC1 of the Coventry City Centre Area Action Plan (CCCAAP). These policies seek to ensure high quality design, including attractive and uncluttered public spaces. In Appeals A, B and C, there would also be conflict with Policy HE2 of the CLP, which seeks to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of special historic, archaeological, architectural, artistic, landscape or townscape significance.
35. Furthermore, in Appeals A and E, the siting of the proposed advertisements would lead to conditions detrimental to public safety. Therefore, there would be conflict with Policies AC2 and AC4 of the CLP, and Policy CC1 of the CCCAAP, which require proposals to mitigate negative impacts on the safety of the highway network, and to provide an attractive and safe environment for pedestrians, cyclists and motorists.
36. The harm to designated heritage assets in Appeals A, B and C would be less than substantial in the language of the Framework, but nevertheless consent should only be granted if public benefits would outweigh this harm. In each case, there would be limited economic benefits through promotion of businesses and the revenue generated for the advertisement company. In my opinion, these benefits would not outweigh the harms identified in each of Appeals A, B and C.
37. For the foregoing reasons, and taking all relevant matters into account, I conclude that the appeals should be dismissed.

K. Savage

INSPECTOR