



Appeal Decision

Site visit made on 2 August 2022

by Ian McHugh DipTP MRTPI

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

Decision date:

Appeal Ref: APP/W3710/Z/22/3298490

Palace Bingo, Leicester Road, Bedworth, CV12 8AB

- 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 Alight Media against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 038594, dated 14 January 2022, was refused by notice dated 4 May 2022.
 - The advertisement proposed is a single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the area; and the effect on the safety of users of the highway.

Reasons

Amenity/Character and Appearance

3. The appeal building is a bingo hall, which is situated in a prominent position on the corner of Leicester Road and Rye Piece Ringway. The area is mixed in terms of land uses, which includes a variety of commercial properties and residential units. The built environment is also varied with a variety of building styles, ages and design. At the time of my site visit, traffic both Leicester Road and Rye Piece Ringway were busy in terms of traffic flows and pedestrian movements.
4. The proposal is to install a single illuminated 48-sheet digital advert display on the side of the building facing Rye Piece Ringway. It would be 6m wide and 3m high with static illumination, although the images would change.
5. Whilst the Council Officer's report makes reference to application being determined in accordance with the provisions of the Development Plan, this is not the case with proposals for advertisement consent. Nevertheless, the impact of the proposal on the visual amenity and character and appearance of the area is a main consideration.
6. Although the character and appearance of the area around the appeal site is varied, I consider that the proposed display would be at odds with its surroundings an unacceptably harmful to the character and appearance of the

streetscene, by virtue of its prominent position, size and illumination. In reaching this view, I have taken into account the existence of other advertisements on business premises in the area, including the adverts associated with the car wash on the opposite site of Rye Piece Ringway. However, the majority of these other adverts are generally low key and they do not appear out of scale or at odds with their surroundings. That does not apply to the appeal proposal.

Highway Safety

7. The Highway Authority (Leicestershire County Council) objected to the application on the grounds that the proposal would be a distraction to users of the highway, which could be to the detriment of highway safety. I note that both the County Council and the Borough Council refer to changing images. However, I accept that the speed and frequency of the changes could be controlled by conditions.
8. I have also taken into account the appellant's supporting evidence with regard to accident data and to the Transport for London guidance on Digital Roadside Advertising. I note that the record of accidents in the vicinity of the site is relatively low. However, this could be for a number of reasons, including the fact that drivers exercise care, because of the volume of traffic, the need to negotiate the roundabout at the junction and the close proximity of the pedestrian crossing on Rye Piece Ringway.
9. Whilst the Planning Practice Guidance states that adverts are less likely to cause road safety problems if they are on a site within a commercial or industrial locality, it also goes on to state that adverts that distract road users because of their unusual nature could cause a danger.
10. Although I do not find the proposed display to be of an unusual nature, I consider that it would have the potential to distract drivers on both Leicester Road and Rye Piece Ringway, because of its proposed size, prominent position and means of display. In my view the volume of traffic, plus the need for drivers to have regard to the roundabout and pedestrian crossing mean that the risk of such distraction would be unacceptably hazardous.

Other Matter

11. A representation was submitted by a resident of a dwelling on Chamberlaine Street concerning the potential for the proposed illumination to shine into the property. Having regard to the position of the display and its distance from the dwelling, I do not find the proposal to be unacceptable in that regard.

Conclusion

12. For the reasons given above in relation to amenity and highway safety, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR