
Appeal Decision

Site visit made on 8 May 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2024

Appeal Ref: APP/W3710/Z/23/3334542

Bond Street, Nuneaton, Warwickshire CV11 4BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr G. Cockerill (Alight Media) Ltd against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref: is 039821.
 - The advertisement proposed is the installation of one 48 sheet gable mounted LED illuminated advertising display panel, measuring 6.2m wide x 3.2m high and comprising pressed metal frame with sealed LED screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In accordance with the National Planning Policy Framework (the Framework), the Regulations, and the Planning Practice Guidance (the PPG), my consideration of this appeal is confined to amenity and public safety, taking into account any other relevant factors, including the locally listed status of the appeal building.

Main Issues

3. . The main issues relevant to this appeal are:
 - the effect of the advertisement on the visual amenity of the area; and
 - the effect of the development on highway safety.

Reasons

Visual amenity

4. The site occupies a prominent location at the junction of Back Street and Bond Street, at the edge of the town centre. For the purposes of this appeal, the building's most noticeable features are the presence of an ornate front elevation including string courses, quoins, and a decorative detail on the front gable. In addition, the building is constructed using a differing brick bond to most buildings and structures in the surrounding area. Its traditional architecture appearance is a striking feature in the visual amenity of the

area, and this has understandably contributed to the building being locally listed.

5. The proposed signage would be sited on the side elevation of the building and would be a large scale and greater in size than the building's existing signage. The existing signage compliments the traditional architectural detailing of the building by being located between storeys and smaller than the windows. The proposed advertisement would, in contrast, be of a bulky modern design due to the nature of equipment that would need to be installed to facilitate the changing of displays. Its incongruous appearance would be exacerbated by the advertisement's electronic screen and changing content. Therefore, the juxtaposition of traditional architecture with modern installations would result in a discordant appearance that would harm the visual amenity of the area.
6. Although the proposed advertisement would not cover any feature, such as the string courses or quoins, the signage would reduce views of the building's gable. On my site visit, I noted that the building has a different brick bond to many of the surrounding structures. Therefore, the side elevation of the building is not plain or uninteresting and, in result, the signage would dilute an appreciation of the building.
7. Furthermore, the site is close to the junction between Bond Street and Back Street. Given that these form routes into the town centre, there are potentially widely used. In result, the adverse effects arising from the advertisement have the potential to be readily experienced. This would be exacerbated by the changing display, which would direct attention to the advertisement. These factors, when combined, would serve to accentuate the adverse effects arising from the proposed advertisement.
8. The surrounding area features several other advertisements, of varying scales and types. Whilst the proposal would not appear unusual in this regard, this matter would not overcome the adverse effects arising from the placement of the proposed sign upon the public house building. Although some advertisements are located on buildings and illuminated, these advertisements are generally smaller than the appeal scheme, do not feature changing displays and are not located on buildings of the same architectural sensitivity. In result, existing advertisements do not have the same adverse effects that the scheme before me would have.
9. I therefore conclude that the proposed advertisement would have an adverse effect upon visual amenity. Consequently, it would conflict with the objectives of the Framework and the PPG.

Public safety

10. The PPG states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. The PPG advises that the main types of advertisements which may cause danger to road users include those which, because of their size or siting, would confuse a road-user's view.
11. Although one-way roads, both Back Street and Bond Street feature multiple lanes and traffic lights near the appeal site. The traffic lights also include

pedestrian crossings. Furthermore, both roads feature vehicle accesses, which means that potentially vehicles will join the highway close to the junction and the site. In result, the road network surrounding the site is one where motorists need to take care.

12. Although the advertisement would not be sited directly behind the traffic lights and any road sign and markings, the sitting and scale of the advertisement is such that it would feature prominently in the view of motorists approaching the site. Given the length of such views, and the fact that such views from Bond Street would not be at an angle, the advertisement would distract the attention of motorists away from other road users, the traffic lights, road markings and signage towards the sign.
13. The proposal features a changing display, which is not reflective of signage in the surrounding area. Therefore, irrespective of the level of illumination on the sign or elsewhere it is likely that the interest of passing motorists will be piqued at the point that one advertisement transitions to another. This would divert the attention of drivers in a location where road users need to take care and where local conditions present potential traffic hazards. The proposal would introduce an additional and unhelpful distraction in their proposed location, regardless of the rate of change or level of illumination. Such a distraction would reduce the time for approaching motorists to assess potential risks such as stopping vehicles or crossing pedestrians, thereby increasing the risk of an accident in this location.
14. This means that although it may be possible to impose a condition that would control the speed by which advertisements change and to ensure that images are static, such a condition would not prevent the previously described adverse effects from occurring as the change of advertisements would contribute to the adverse effect on public safety.
15. Although the nature of the surrounding road network means that vehicles approaching the site are likely to be travelling at lower speeds, I have already found that drivers approaching the site are being required to undertake various tasks. Therefore, the location is of particular sensitivity meaning that the effects of the proposal would be notable. In addition, the surrounding road network serves the town centre, with several large shops nearby, in addition to the railway station. The surrounding roads are therefore likely to be widely used. Owing to the plethora of uses, it is also likely the pedestrian crossings would be popular. Therefore, if a motorist were to be distracted by the advertisement, the risk of a collision is high.
16. My attention has been directed to accident statistics. Although it is apparent that there is limited evidence of accidents in the locality, the signage that is in place is typically smaller, less prominent and does not featuring a varied display. Therefore, the effects are likely to be different to the appeal scheme. In result, these do not overcome my previous concerns.
17. I therefore conclude that the proposal would have an adverse effect upon highway safety. Consequently, it would conflict with the objectives of the Framework and the PPG.

Other Matters

18. On my site visit, I noted that an advertisement had been installed on the side elevation of the building. I am not aware of the planning circumstances of this. Nonetheless, it is unilluminated, of different proportions and is in a changed location. In result, it does not have the same effects as the scheme before me and its presence does not alter my previous findings.
19. The proposal would result in investment by the appellant. However, the potential benefits arising from this are matters that cannot be considered as part as the assessment of a proposed advertisement, as defined by the Framework and the PPG.
20. The proposal would not be in a Special Area of Control or impact upon a Conservation Area. However, these are only some of the issues that must be considered.

Conclusion

21. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR