



Appeal Decision

Site visit made on 3 September 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/U4610/Z/24/3338035

BP Petrol Filling Station, 168-170 Lockhurst Lane, Coventry CV6 5NY

- 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 Clear Channel UK (Ben Porte) against the decision of Coventry City Council.
 - The application Ref PL/2023/0002191/ADV, dated 13 October 2023, was refused by notice dated 7 December 2023.
 - The advertisement proposed is installation of illuminated digital 48 sheet advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be taken into account.

Main Issues

3. In this instance the main issues are the effect of the development on amenity and on public safety as it relates to the highway safety for road users.

Reasons

4. The appeal site is the gable end of a commercial building adjacent a petrol filling station. The locality is predominately commercial in nature, with various signage identifying various properties. There is a totem sign advertising fuel prices on the forecourt of the filling station. On the approach to the filling station there is a road junction is located almost opposite the site which is right turn across the highway at that point where the proposed sign is to be located.
5. The proposed advertisement is "48 sheet" in sizing, so 6m x 3m in size with a supporting beam to give an overall height of approximately 5.6m.
6. There was a 6m x 3m poster advertisement on the gable previously, which I understand was removed in 2022, having been in-situ for a number of years prior to that.

Amenity

7. Having regard to the matter of visual amenity, the proposed advertising display would look across the forecourt of the filling station, and the wider vista of Lockhurst Lane as well as the junction of Lockhurst Lane with Kingfield Road. The area has a predominately commercial character with a number of advertisements visible. The proposed display would present illuminated static advertisements that the appellant indicates would change virtually instantly at set intervals. It would be seen in the context of a busy commercial area with other display advertisements and usual urban elements such as street furniture, signage, lighting and highway paraphernalia. The appellant indicates that the display would be dark between midnight and 5 am.
8. I consider, having regard to its positioning and the scale of surrounding structures and buildings that the design of the advertisement would not be visually incompatible with the character of the area within which it would be located.
9. The Council have drawn my attention to policies in The Coventry Local Plan (2016). The proposed sign would not conflict with these policies in so far as they are relevant to the appeal. 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, of themselves been decisive, but are material considerations.
10. I also find no conflict with the National Planning Policy Framework which seeks to protect the quality and character of places from poorly designed advertisements.

Public Safety

11. Lockhurst Lane runs to and from Coventry City Centre in a north-south orientation, with the proposed advertisement visible on the southern approach into the city. Lockhurst Lane is a well trafficked highway.
12. On this section where the advertisement would be located, there is a right turn onto Kingfield Road, across the highway, and the advertisement would be located on the gable end, at that junction. I realise that an advertisement has been located on that gable previously, but that was a poster advertisement. The new advertisement is digital, illuminated like the previous advertisement, but the adverts would periodically change on rotation.
13. I find that this scenario could distract highway users at a point where the attention of drivers is paramount due to the highway situation at that point. The presence of an advertisement with changing displays and illumination, especially in the hours of darkness would be unduly distracting to drivers in an area that is high in levels of things that fight for the attention of drivers, when concentration is absolutely necessary. I note that the advertisement would be switched off in the early hours of the morning, but this does not allay my concerns.
14. Therefore, I must err on the side of caution in respect of these issues in the determination of this appeal. The advertisement presents potential risks to public and highway safety, and it has not been demonstrated that these can be adequately mitigated. Therefore, the advertisement harms public safety.

15. Whilst not decisive, the proposal would also conflict with Policy AC1 and AC2 of the Coventry Local Plan (2016) which, amongst other matters, expects development not to have a negative impact on highway safety.
16. Dismissing the appeal would also accord with paragraph 115 of the Framework which states development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

17. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
18. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR