



Appeal Decisions

Site visit made on 1 October 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2024

Appeal A Ref: APP/U4610/W/24/3345169

Pavement Outside 22 Market Way, Coventry CV1 1DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000496/FUL.
 - The development proposed is installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/U4610/H/24/3345171

Pavement Outside 22 Market Way, Coventry CV1 1DL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000495/ADV .
 - The advertisement proposed is installation of an advertisement display within proposed free standing unit (FSU).
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Appeal C Ref: APP/U4610/W/24/3345175

Pavement Outside 1-15 Market Way, Coventry CV1 1DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000494/FUL.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal D Ref: APP/U4610/H/24/3345178

Pavement Outside 1-15 Market Way, Coventry CV1 1DF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000493/ADV .
 - The advertisement proposed is installation of an advertisement display within proposed free standing unit (FSU).
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Appeal E Ref: APP/U4610/W/24/3345179

Pavement Outside 47 Upper Precinct, Coventry CV1 1DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000490/FUL.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal F Ref: APP/U4610/H/24/3345185

Pavement Outside 47 Upper Precinct, Coventry CV1 1DD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000489/ADV.
 - The advertisement proposed is installation of an advertisement display within proposed free standing unit (FSU).
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Appeal G Ref: APP/U4610/W/24/3345213

Pavement outside Richard Crossman Building, Jordan Well, Coventry CV1 5RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000480/FUL.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal H Ref: APP/U4610/H/24/3345214

Pavement outside Richard Crossman Building, Jordan Well, Coventry CV1 5RW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still on behalf of IN FOCUS NETWORK LIMITED against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000479/ADV.
 - The advertisement proposed is installation of an advertisement display within proposed free standing unit (FSU).
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Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Appeal E

5. The appeal is dismissed.

Appeal F

6. The appeal is dismissed.

Appeal G

7. The appeal is dismissed.

Appeal H

8. The appeal is dismissed.

Preliminary Matters

9. In its decision notices for all of the appeals considered within this decision letter, the Council refers to the "Coventry Local Plan 2016." The information provided by the Council shows that the Coventry Local Plan 2011-2031 was adopted on 6 December 2017.
10. Amongst other things, each proposed Hub unit would provide free ultrafast Wi-Fi, free phone calls to landlines and charities, a defibrillator, wayfinding, device charging, a connection to emergency services, CCTV, public messaging services and a means to capture environmental data including air quality monitoring. Together, these factors amount to community benefits, and I have taken these into account in reaching my decisions.
11. The hubs would also have environmental qualities in being powered by green electricity and lit with high-capacity batteries powered by solar energy.

Background and Main Issues

12. The appeals relate to proposals for the installation of new multi-function Hub units with defibrillators and digital advertisement display screens, at four different sites across Coventry city centre.
13. Two applications were determined by the Council in respect of each of the four sites: one for full planning permission for the development of a multifunction Hub unit featuring an integral advertisement display and defibrillator; and one for consent to display advertisements.
14. In its reasons for refusal, the Council states that each of the proposals would be harmful to visual amenity. For Appeals G and H, the Council also states that the proposed development would be harmful to pedestrian and/or highway safety.
15. Taking this into account, I consider that the main issues for Appeals A, C and E are the effect that the proposals would have on the character and appearance

of the area. For Appeals B, D and F the main issue comprises the effect of the proposal on visual amenity.

16. The main issues for Appeal G are the effect of the proposal on the character and appearance of the area; the effect of the proposal on heritage assets; and the effect on pedestrian and/or highway safety.
17. The main issues for Appeal H are the effect on visual amenity; and the effect of the proposal on public safety.

Reasons

Background

18. The design of each of the Hub units proposed would be the same, comprising a modern free-standing structure with a large digital advertisement display screen to one side and a user interface panel to the other side. The Hub unit would be constructed of aluminium and steel and the advertising display would be protected by hardened laminated glass.
19. Each Hub unit would be approximately 2.63 metres tall, 1.3 metres wide and would occupy a site area of around 0.4 square metres. The standard, six-sheet, advertisement screen would be on one side of the Hub unit and the other side would house a 32-inch touchscreen beneath a canopy, along with the telephone and defibrillator.
20. The application forms for all four of the appeal sites note that the existing use of the appeal site is a payphone unit installed on the public footpath. However, at the time of my visit, there was no payphones present at any of the appeal sites. Consequently, the presence of existing units at the appeal sites is not material to the consideration of the appeals before me.

Appeals A and B

21. The appeal site is located on Market Way, outside the China Mini Market which, at the time of my visit, appeared to be closed. The area is one of the city's main shopping streets close to the market. It is characterised by retail and commercial units at the ground floor either side of a wide pedestrianised area. The commercial units are set back under a canopy which extends over part of the pavement. The existing bins and benches are regularly spaced, however, the gap between the bins is wider at the appeal site. On the opposite side of the pedestrianised area are well-established street trees.
22. The appeal site is beyond the retail canopy area between two litter bins and a row of benches. The existing street furniture is modest and regularly spaced providing a sense of symmetry and rhythm. The gap between the height of the furniture and the retail canopy ensures that the area remains open and spacious, and this is not harmed by the height of the trees which extend above the retail canopy.
23. The proposed hub would be situated in line with the bins and benches and close to the edge of the retail canopy. However, the Hub would be of a significantly different scale to the bins and benches and is also proposed to be sited at a ninety-degree angle from the bins and benches. Although the proposed siting would not intrude onto the wider open pedestrianised area

between the retail canopies, it would interrupt the symmetry and rhythm of the existing street furniture. The hub would also be separated from the retail units so would not be read as part of the buildings. Due to its position and scale, it would appear as an alien and incongruous feature in the street scene and add to the visual clutter within this area. It would, therefore, detract from the open appearance that the previous improvements to the public realm have created.

24. I saw other digital advertisements near the appeal site during my site visit. Two units are situated adjacent to the end of the overhanging first floor section of the run of retail units on the opposite side of the entrance to the market. These are read alongside the supporting pillars of this building and the entrance posts to the market. There is also a separate advertising panel at the end of the wider pedestrianised and planted area, nearer to 15 Market Way and outside a retail unit with large advertising in the windows. All of the existing advertisements are visible from the appeal site and would be visible when walking along Market Way. They are all within the retail and pedestrianised areas. However, none are within the same stretch of retail units as the appeal site.
25. The proposed large digital advertisement would draw undue attention to itself and would detract from the open and natural green landscaping provided by the trees on the opposite side of the pedestrianised area. That there are other advertisements in the wider area would not justify a large advertising panel in the location proposed. The combination of the proposed advertisement panel and the existing panels would result in a sense of proliferation of digital advertisements in this area.
26. The proposed Hub and advertising panel would be out of keeping with its surroundings and appear as an alien and incongruous structure adding visual clutter to the existing open and pleasant pedestrianised area. Whilst the Hub would bring community benefits, including the defibrillator and free Wi-Fi, even considering the support for modern communication developments set out in the National Planning Policy Framework and the Planning Practice Guidance, the benefits arising would not outweigh the harm I have identified.
27. For the above reasons, I find that the proposed Hub unit would harm the character and appearance of the area. It would, therefore, be contrary to Policy DE1 of the Coventry City Council Local Plan, adopted December 2017 (the LP) and Policy CC1 of the Coventry City Council City Centre Area Action Plan, adopted December 2017 (the AAP) which, taken together, amongst other matters, seek to ensure that all development respects and enhances its surroundings, positively contributes towards the local identity and character of an area, and provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces and environment.
28. For the same reasons, the proposed advertisement would also harm visual amenity.
29. Consequently, Appeals A and B are dismissed.

Appeals C and D

30. The appeal site is also located on Market Way. It is one of Coventry city centre's main shopping streets and, even on a rainy Tuesday, was busy with shoppers. It is characterised by retail and commercial units either side of the pedestrianised area.
31. The design of the pedestrianised area, carried out through the previous improvements to the public realm, has created an open character to the area with striking and distinctive features. I also observed that this area links to other parts of the city centre and creates an appearance of a consistent city centre public realm. Street furniture is kept to a minimum and is designed into the planters which enables the appreciation of the greenery and the low level of the planting. The design features of planters, streetlights, paving and seating, has created an open, spacious, green, and pleasant public area between the two rows of retail units.
32. Although not on the main pedestrian routes immediately outside the retail units the proposed siting would be on a part of the open pedestrianised area. The proposed development would be highly prominent and visible in the street scene and would appear highly incongruous when seen in the context of the existing design features. The tall and wide Hub unit would stand out as a large, imposing, and alien feature. It would detract from the area's clean lines, low levels, and openness. The harm arising from this would be exacerbated by the large advertisement, designed to draw attention to its changing images.
33. Given the above, I find that the proposed Hub unit would dominate an uncluttered pedestrianised area where, street paraphernalia is purposefully limited and carefully designed to appear in keeping with the landscaped surroundings. The proposal would reduce the open and spacious attributes of Market Way in this location.
34. I observed other freestanding advertising panels in the immediate area at my visit and advertisements within retail premises either side. However, the freestanding panels were situated at the ends of the designed pedestrianised area and did not interrupt the open nature of the area. Furthermore, the proposed advertising panel would, in combination with the existing digital advertisement panels at either end of the designed space result in undue proliferation of digital advertisements in this location.
35. For the above reasons, I find that the proposed Hub unit would harm the character and appearance of the area. It would, therefore, be contrary to Policy DE1 of the Coventry City Council Local Plan, adopted December 2017 (the LP) and Policy CC1 of the Coventry City Council City Centre Area Action Plan, adopted December 2017 (the AAP) which, taken together, amongst other matters, seek to ensure that all development respects and enhances its surroundings, positively contributes towards the local identity and character of an area, and provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces and environment.
36. For the same reasons, the proposed advertisement would also harm visual amenity.

37. Whilst community benefits would arise from the proposal, and even considering the support for modern communication developments set out in the National Planning Policy Framework and the Planning Practice Guidance, the benefits would not outweigh the significant harm identified.

38. Appeals C and D are, therefore, dismissed.

Appeals E and F

39. The appeal site is within one of Coventry city centre's main shopping streets, outside the Marks and Spencer store and the adjacent Hayes Travel unit. It is a busy retail and commercial area with buildings set either side of a recently improved pedestrianised area. The design of the area, carried out through the previous improvements to the public realm, has created an open character to the area with the low-level planters which, along with the streetlights, benches and bins are distinctive design features. This area, along with two other sections of similar public realm, are high-quality public spaces. Street furniture is kept to a minimum and is designed into the planters which enables the appreciation of the greenery. The area is open, spacious, green, and pleasant.

40. The proposed Hub unit would appear highly incongruous when seen in the context of the above features. The height and width of the Hub would result in a structure that would dominate an uncluttered pedestrianised area where, street paraphernalia is purposefully limited and carefully designed to appear in keeping with the landscaped surroundings. The proposal would reduce the open and spacious attributes of this part of The Precinct.

41. Even though I saw other advertisements near this section of The Precinct the existing advertisement panels were either positioned on larger buildings or at the ends of the areas laid out with low-level planters. The proposed advertisement panel would be sited amongst the planters and would, therefore, draw attention away from the open and green character of the area.

42. For the above reasons, I find that the proposed Hub unit would harm the character and appearance of the area. It would, therefore, be contrary to Policy DE1 of the Coventry City Council Local Plan, adopted December 2017 (the LP) and Policy CC1 of the Coventry City Council City Centre Area Action Plan, adopted December 2017 (the AAP) which, taken together, amongst other matters, seek to ensure that all development respects and enhances its surroundings, positively contributes towards the local identity and character of an area, and provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces and environment.

43. For the same reasons, the proposed advertisement would also harm visual amenity.

44. Whilst community benefits would arise from the proposal, and even considering the support for modern communication developments set out in the National Planning Policy Framework and the Planning Practice Guidance, the benefits would not outweigh the significant harm identified.

45. Appeals C and D are, therefore, dismissed.

Appeals G and H

46. The appeal site is an area of pavement outside the Richard Crossman Building, which is part of the university campus buildings in this area of Coventry. The pavement is wide but also contains a row of well-established trees and a group of cycle hoops. The appeal site is close to the bicycle hoops and the entrance to the building. It is also near the pedestrian crossing over Jordan Well.
47. The edge of the Hill Top Conservation Area runs along the opposite side of Jordan Well. The appeal site lies adjacent to the Conservation Area and the Conservation Area is experienced from the site. As such the site lies within its setting. Paragraph 212 of the National Planning Policy Framework (the Framework) aims for development within the setting of a heritage asset to enhance or better reveal the significance of the asset. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Policy HE2 of the Coventry City Council Local Plan, adopted December 2017 (the LP) reflects the Framework in seeking to only support developments where they conserve and, where appropriate, enhance the historic environment.
48. As far as it is relevant to the appeal, I consider that the significance of the Conservation Area is mainly derived from the large historic buildings and the groups of smaller buildings set around Coventry Cathedral. The appeal site, albeit outside the Conservation Area, currently contributes positively to the setting of the Conservation Area by reason of being a pleasant, paved footway with well-established trees and within the area of large, community and service buildings. The area around the appeal site is characterised by the large university buildings but is fairly clear of street furniture with the pavement dominated by the tall trees. Those trees make the area pleasant and green, despite the road traffic and large buildings.
49. The introduction of the proposed Hub unit would add a large, tall, solid feature outside the entrance to the building and close to the edge of the road. Whilst there are existing bicycle hoops, these comprise simple metal frames of modest appearance, the proposed Hub unit would appear as a large and imposing feature. The Hub would also enclose this part of the pavement which is currently open between the road and the trees. It would, therefore, introduce an alien and incongruous feature in the street scene and detract from the current open and green appearance of the pavements on either side of Jordan Well.
50. The harm arising from this would be exacerbated by the large advertisement, designed to draw attention to its large changing images, day, and night. It would appear as an alien feature and would visually jar with the green backdrop of the trees and the subdued design of the university buildings, which are not lit shopfronts. The very purpose of the advertisement is to draw attention to itself, especially given that the digital advertisement is positioned to face the oncoming traffic. Both the Hub unit and the advertisement would draw the eye and emphasise the proposal's incongruous appearance.
51. Consequently, I find that the proposed Hub unit and the digital advertisement would unduly dominate its surroundings and harm the green and pleasant character and appearance of the area. The Hub unit would also not enhance or

better reveal the significance of the Conservation Area or conserve or enhance the historic significance and would, consequently, result in less than substantial harm to the setting of the Conservation Area.

52. The proposed Hub would be located close to the edge of the pavement, outside the entrance to the Richard Crossman Building and near to a pedestrian crossing. The Hub is proposed to be sited beyond the crossing and would, therefore, enable drivers of vehicles heading towards the crossing to continue to have views of the crossing and pedestrians.
53. At the time of my visit the area was busy with students moving between university buildings and other pedestrians travelling into and out of the city centre. The road was busy with two-way traffic which included a range of vehicles, not predominately public buses. Albeit beyond the crossing, the position of the digital advertisement panel, with its changing images and illumination, would face towards the oncoming traffic and would comprise a distraction to highway users as they approach the crossing.
54. I, therefore, find that the proposed Hub and digital advertisement would present a risk to pedestrian and highway safety and a risk to public safety.
55. For the above reasons, I find that the proposed Hub unit would harm the character and appearance of the area and would not conserve or enhance the Hill Top Conservation Area. It would, therefore, be contrary to Policies DE1 and HE2 of the LP and Policy CC1 of the Coventry City Council City Centre Area Action Plan, adopted December 2017 (the AAP) which, taken together, amongst other matters, seek to ensure that all development respects and enhances its surroundings, conserve and, where appropriate, enhance the historic environment, positively contribute towards the local identity and character of an area, and provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces and environment.
56. For the same reasons, the proposed advertisement would also harm visual amenity.
57. For the above reasons, I also find that the proposed Hub unit and digital advertisement would harm pedestrian and highway safety and public safety, contrary to the requirements of Policies AC2 and AC4 of the LP, which together amongst other things, seek to protect the safety of pedestrians, provide for highway safety and safe walking routes.
58. Whilst the proposal would bring community benefits, including the provision of a defibrillator and free Wi-Fi amongst other things, and even considering the support for modern communication developments set out in the Framework and the Planning Practice Guidance, I find that in this case, the benefits arising would not outweigh the harm identified.
59. Appeals G and H are, therefore, dismissed.

Other Matters

60. The appellant has sought to argue that the appeals before me are improved sites in comparison to the previously refused schemes considered under the previous appeals. Although the previous appeals were on different sites the

context and site location of a number of the appeals before me are similar to the contexts of the previously appealed sites, I have also found similar issues and similar levels of harm to that identified by the previous Inspector. Nevertheless, I have considered the appeals before me afresh and against the adopted development plan.

61. The appellant has also sought to argue that the proposals would include a high standard of remediation and reinstatement of the public footpath following installation of the proposed Hubs. However, although this is commendable it is not a benefit arising from the development and the footpath only needs to be remediated and reinstated if the units are installed.

Conclusion

62. For the reasons given above, having regard to all matters raised, Appeals A, B, C, D, E, F, G and H should be dismissed.

K Townend

INSPECTOR