



## Appeal Decisions

Site visit made on 18 February 2025

**by Mr R Walker BA HONS DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

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### **Appeal A Ref: APP/U4610/W/24/3345188**

#### **Pavement O/S 2 Cross Cheaping, Coventry CV1 1HG**

- 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 In Focus Network Limited against the decision of Coventry City Council.
- The application Ref is PL/2024/0000487/FUL.
- The development proposed is the installation of an advertisement display within proposed free standing unit (FSU).

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### **Appeal B Ref: APP/U4610/H/24/3345189**

#### **Pavement O/S 2 Cross Cheaping, Coventry CV1 1HG**

- 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 In Focus Network Limited against the decision of Coventry City Council.
- The application Ref is PL/2024/0000486/ADV.
- The advertisement proposed is the installation of an advertisement display within proposed free standing unit (FSU).

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### **Appeal C Ref: APP/U4610/W/24/3345210**

#### **Pavement O/S 3 Trinity Street, Coventry CV1 1FJ**

- 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 In Focus Network Limited against the decision of Coventry City Council.
- The application Ref is PL/2024/0000485/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/24/3345212**

#### **Pavement O/S 3 Trinity Street, Coventry CV1 1FJ**

- 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 In Focus Network Limited against the decision of Coventry City Council.
- The application Ref is PL/2024/0000484/ADV.
- The advertisement proposed is the installation of an advertisement display within proposed free standing unit (FSU).

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## **Decision**

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.
3. **Appeal C:** The appeal is dismissed.
4. **Appeal D:** The appeal is dismissed.

## **Preliminary Matters**

5. Appeals A and B relate to the same scheme under different, complementary legislation. As do Appeals C and D. Both sites are in close proximity to each other. As such, I have dealt with all the appeals together in my reasoning except where stipulated.
6. As the sites are within the setting of several listed buildings, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in respect of Appeals A and C. This requires decision makers to have special regard to preserving the setting of a listed building or any features of special architectural or historic interest.
7. In relation to Appeals B and D, the Council has cited the National Planning Policy Framework (the Framework), and policies from the Coventry City Centre Area Action Plan (AAP) and the Coventry Local Plan (LP) in its decision notices. I have taken them into account as material considerations. However, the power to control advertisements under the Regulations<sup>1</sup> may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination of Appeals B and D.
8. Moreover, in respect of Appeals B and D, the Regulations advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass nearby listed buildings and Conservation Areas (CAs). Therefore, the location of the site in relation to various heritage assets is relevant to the consideration of 'amenity'.

## **Main Issues**

9. The main issues are the effect of the proposed developments/advertisements on:
  - The visual amenity of the area (all appeals), having regard to the setting of the Lady Herbert's Garden CA, the Hill Top CA and whether the proposed developments/advertisements would preserve the following listed buildings or their settings:
    - Holy Trinity Church (Grade I); Old Grammar School (Grade I); Blue Coat School (Grade II\*); and The Ribbon Factory (Grade II).
  - Public Safety (Appeals C and D).

## **Reasons**

### *Visual Amenity and Heritage Assets*

#### Special interest/significance

10. The Lady Herbert's Garden CA lies to the north of Trinity Street and Cross Cheaping and incorporates, amongst other things, pre-war development, the Lady Herbert's Garden, and surviving remains of the medieval city defences. It also contains the Grade I listed Old Grammar School, which is the former chapel of the 12<sup>th</sup> century Hospital of St. John the Baptist.

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<sup>1</sup> Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

11. The Hill Top CA lies to the south east of the two appeal sites, which incorporates many of the city's important heritage assets. The Grade I listed Holy Trinity Church, Grade II\* listed Blue Coat School and Grade II listed Ribbon Factory and a locally listed building, known as The Flying Standard, are all located within the western part of the CA toward the two appeal sites.
12. In so far as it relates to these appeals, the significance of the listed buildings is derived from their respective historical and architectural interests, including their use, age, form, and fabric. In so far as it relates to these appeals, the significance of the Hill Top CA is derived from the architectural richness of its historic buildings and focal point features and the quality of the pedestrianised open spaces that connect them. In so far as it relates to these appeals, the significance of the Lady Herbert's Garden CA is derived from the historic buildings, diversity of its architecture, layout and tranquillity of its open spaces.

### Appeals A and B

13. The site for Appeals A and B is located on a predominantly open part of Cross Cheaping, which is characterised by a wide footway that opens up into a larger pedestrianised area. Features within the pedestrianised area and footway include trees but otherwise it is characterised by low lying features such as cycle parking bays.
14. The open qualities around this part of Cross Cheaping, and presence of street trees, allows for attractive views towards the Hill Top CA, including views of the Holy Trinity Church. It also allows for pleasing views to the Lady Herbert's Garden CA and to a lesser extent the Old Grammar School that lies within it. Accordingly, the views from around this part of Cross Cheaping, which include the open undeveloped qualities of the appeal site, make a positive contribution to the significance of the designated heritage assets and the visual amenity of the area.
15. Most advertisements in the vicinity are associated with retail and commercial uses at ground floor level. There is a free-standing digital advertisement along Ironmonger Row, and I saw how that is a dominant feature, which intrudes into attractive views toward The Flying Standard from the footway.
16. The proposal before me would be a large FSU in an otherwise open environment. The size of the unit, combined with the sharpness and richness of the images displayed by the digital technology on the advertisement screen and rotation of new images would be an eye-catching feature. This would detract and draw the eye away from views encompassing the built environment, including toward the Lady Herbert's Garden CA and to a lesser extent the Old Grammar School. Moreover, its size and freestanding nature would also intrude into attractive views of the Hill Top CA and the Holy Trinity Church.
17. The proposal would be seen as an isolated, incongruous intrusion into these attractive views and would subsequently harm the visual amenity of the area. Moreover, in doing so it would erode the contribution that the appeal site's open setting makes to the significance of the above designated heritage assets.
18. Drawing the above together, the proposed advertisement (Appeal B) would have a harmful effect on the visual amenity of the area. Moreover, the proposed development (Appeal A) would not preserve the setting of the Lady Herbert's

Garden CA and Hill Top CA and would fail to preserve the special interest of the listed buildings, known as the Holy Trinity Church and the Old Grammar School, and their settings. As a result, the expectations of the Act have not been met in so far as it relates to the listed buildings and the proposal would harm the significance of these designated heritage assets.

#### Appeals C and D

19. The site for Appeals C and D is located along Trinity Street. The proposed FSU would be positioned at the end of the parking bays in the footway. The few features within the footway on this side of Trinity Street include low lying concrete blocks and a telephone kiosk positioned adjacent to a building. This results in a distinctly open quality to the footway, which contrasts with the other side of Trinity Street where there are several bus stops.
20. The open qualities around the appeal site allow for attractive views towards the Hill Top CA encompassing views of the Blue Coat School, The Ribbon Factory and the Holy Trinity Church. To a lesser degree the open qualities of the appeal site allow for southerly views toward the Lady Herbert's Garden CA.
21. These views form part of the setting of the designated heritage assets and how the individual buildings are experienced. Accordingly, the views contribute to understanding and appreciating the buildings historical, social and cultural importance within the city. As such, the views from around this part of Trinity Street, which include the open undeveloped qualities of the appeal site make a positive contribution to their significance and the visual amenity of the area.
22. Most advertisements in the vicinity are associated with retail and commercial uses at ground floor level, are positioned adjacent to buildings, or are within parts of existing street furniture, such as bus stops. In contrast, the proposal would be seen as a freestanding feature positioned prominently in the footway. Here, its tall and wide presence, and large, illuminated advertisement screen would be a striking and isolated feature within the footway.
23. The proposal would intrude into attractive views of the Hill Top Conservation Area, including views of the Blue Coat School, The Ribbon Factory and the spire of the Holy Trinity Church. The size of the unit, rotation of images, and vibrant screen would detract from the experience of these designated heritage assets and draw the eye away from them. In doing so it would erode the contribution that the appeal site's open setting makes to the significance of these designated heritage assets. Moreover, its size and freestanding nature in an otherwise open setting would also intrude to a lesser degree toward views of the Lady Herbert's Garden CA.
24. Drawing the above together, the proposed advertisement (Appeal D) would have a harmful effect on the visual amenity of the area. Moreover, the proposed development (Appeal C) would not preserve the setting of the Hill Top CA and the Lady Herbert's Garden CA and would fail to preserve the special interest of the listed buildings, known as the Holy Trinity Church, the Blue Coat School and the Ribbon Factory, and their settings. As a result, the expectations of the Act have not been met, in so far as it relates to the listed buildings, and the proposal would harm the significance of these designated heritage assets.

### Public benefits and heritage benefits

25. In relation to Appeals A and C, Paragraph 212 of the Framework (2024) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
26. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage assets, the magnitude of that harm should be assessed. In this instance, given the modest scale and the location of the FSUs, the harm to the designated heritage assets is less than substantial and at the lower end of the spectrum, but nevertheless of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the developments. Moreover, the workings of sections 66(1) of the Act mean that the harm to the listed buildings must be accorded considerable importance and weight.
27. In accordance with the Framework, I have no reason to question the need for the electronic communication systems. Public benefits would arise from the provision of a defibrillator, free phone calls, Wi-Fi, the ability to support environmental monitoring such as air quality, public and emergency services, maps and wayfinding, device charging facilities, public messaging, and the increased prominence of business advertising in the respective FSUs. Moreover, the FSUs would be powered by green energy including the use of solar.
28. The FSUs are proposed to form part of a wider network, which would cumulatively have significant public benefits. However, individually, they would have localised benefits. Accordingly, I give the overall benefits in each appeal moderate weight. The absence of harm in relation to other considerations weighs neither for nor against the proposed developments. Overall, the weight that I ascribe to the public benefits resulting from the proposed developments in Appeals A and C, are not sufficient to outweigh the great weight that I attach to the harm I have identified in these appeals. As such, in relation to Appeals A and C, the proposed developments do not comply with paragraph 215 of the Framework.
29. Accordingly, in relation to Appeals A and C, the proposed developments would be contrary to the requirements of the Act, the Framework and Policy CC1 of the AAP, and Policy DE1, and HE2 of the LP, when taken together and in so far as they relate to this matter. These say, amongst other things, that in order to help sustain the historic character, sense of place, environmental quality and local distinctiveness of Coventry, development proposals will be supported where they 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.
30. In relation to Appeals B and D, as the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, the environmental, social, or economic benefits emanating from the advertisement screens do not outweigh my findings on this main issue.

### *Public Safety (Appeals C and D)*

31. The proposed FSU would be positioned on the footway near the end of the parking bays along Trinity Street. Pedestrians when travelling either north or south already take a line avoiding that part of the footway near the parking bays. In this regard, due to its location near the parking bays, it would not be within the direct flow of pedestrian movements in either direction along the footway.
32. The digital display in the FSU would face toward oncoming traffic travelling along Trinity Street. Forward visibility is good along the road and whilst I accept that drivers need to be alert to pedestrians using the crossing and other risks such as busses and cars pulling in, such risks are not uncommon in a central commercial area such as this. Moreover, the presence of a digital advert in this commercial area would also not be a surprise. Indeed, they are already an existing feature within the bus stops on the other side of the road.
33. Controls could also be put in place on the display illumination, the speed of rotation of images and to ensure that the display does not contain moving images. In this regard, I do not consider the level of distraction from its positioning to have an unacceptable effect on public safety.
34. I therefore find that the proposed development/advertisement would not have an unacceptable effect on public safety. Accordingly, I find no conflict with the requirements of Policies AC2 and AC4 of the LP, Policy CC1 of the AAP or the provisions of the Framework, when taken together and in so far as they relate to this matter. These say, amongst other things, that the city centre will continue to be developed and regenerated to ensure it is a truly world class city centre, leading in design, sustainability and culture. This will be achieved by, amongst other things, providing an attractive and safe environment for pedestrians, cyclists and motorists.

### **Conclusion**

35. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
36. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.
37. **Appeal C:** The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal C should be dismissed.
38. **Appeal D:** For the reasons given, I conclude that Appeal D should be dismissed.

*Mr R Walker*

INSPECTOR