



Appeal Decision

Site visit made on 26 February 2025 by S Indermaur

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/U4610/Z/25/3359296

Butts Petrol Filling Station, Butts Road, Coventry CV1 3GU

- 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 Wildstone Estates Limited against the decision of Coventry City Council.
 - The application Ref is PL/2024/0001915/ADV.
 - The advertisement proposed is 1no D6 (digital advertisement) screen.
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Decision

1. The appeal is allowed, and express consent is granted for 1no D6 (digital advertisement) screen at Butts Petrol Filling Station, Butts Road, Coventry CV1 3GU in accordance with the terms of the application, Ref PL/2024/0001915/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Regulations and the following additional conditions: -
 - 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 2) In the hours of darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than the recommended maximum night time luminance value set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide 'Brightness of Illuminated Advertisements including Digital Displays' (PLG 05) (or its equivalent in a replacement guide) in cd/m². The applicable night time luminance value in the Table 10.4 of the PLG 05, shall be agreed with the Local Planning Authority prior to the advertisement first coming into use and the advertisement shall then only be operated in accordance with the agreed night time luminance value.
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull) and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the PLG 05 (or its equivalent in a replacement guide) in cd/m².
 - 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display will

include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

- 6) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The site address on the application form states 'Butts Petrol Filling Station, Butts, Coventry CV1 3GU'. It is clear from the location plan that the site is located on Butts Road and the address in the banner heading and appeal decision has been amended accordingly in the interests of accuracy.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall 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. Therefore, whilst the development plan policies referred to in the Council's decision cannot by themselves be decisive, where relevant I have taken them into account as a material consideration.
5. The Local Highway Authority note that the layout of the petrol filling station is different to the submitted drawings. Indeed, I saw on my site visit that the 'retail unit' extends closer to the highway than is depicted on the site plans provided. Even so, the indicated position of the proposed advertisement clearly sits outside the footprint of the building and when read in conjunction with the elevational drawings and 'before' and 'after' CGI plan, there is no doubt as to the premise of the proposal and its relationship with its surroundings.

Main Issues

6. The main issues are the effect of the proposal on visual amenity and public safety.

Reasons for the Recommendation

Visual Amenity

7. The appeal property is a petrol filling station (PFS) that has numerous advertisements and signage including paper hoardings on the PFS retail building and a standalone totem sign. The appeal site is located within a predominantly commercial area with residential flats also present close by. There is a disused pub adjoining the site. Coventry Rugby Club is situated to the opposite side of the road and there is a large double-sided digital advertisement within its associated grounds close to the boundary with Butts Road.
8. The Planning Practice Guidance (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisement where residents or passers-by will be aware of the advertisement.

9. The advertisement would be neatly positioned close to the PFS retail building, within a corner formed by the building's footprint. Due to its modest height and width relative to the scale of the retail building, it would sit comfortably against the backdrop of this building. The evidence also suggests that the quality of the image would mimic a paper and paste display. Overall, these factors mean that the advertisement would not appear cluttered, nor would it appear excessive within the wider vista along Butts Road, even accounting for the nearby advertisement at the rugby club. It would evidently read as being part of the appeal site's commercial context. As accepted by the Council, illumination levels could be suitably controlled by condition. This would further ensure that the proposal would acceptably assimilate with its surroundings.
10. I conclude, the proposal would not cause harm to visual amenity of the area.
11. Although not on its own determinative, my finding that there would be no harm to visual amenity indicates that the proposal complies with Policy DE1 of the Coventry Local Plan (2017) LP) which seeks that proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area. The proposal would also comply with the Framework insofar as its siting and design would respond to the character of its surroundings.
12. The Council have mentioned Policy HE2 of the LP. However, this deals exclusively with Conservation and Heritage Assets. There is nothing before me to suggest that there are heritage assets in the immediate vicinity of the appeal site, therefore this policy does not alter my finding that the proposal would be acceptable in visual amenity terms.

Public Safety

13. The appeal site is located on Butts Road (B4101) which is a classified road that has a speed limit of 30mph. This road is subject to high levels of traffic and provides a key link to and from the City Centre. There is a signalised crossing close by, just beyond the neighbouring disused public house.
14. The PPG outlines that drivers need to take more care at junctions and pedestrian crossings as they present more traffic hazards. Furthermore, it states advertisements that are most likely to cause danger include those which, because of their siting would obstruct or confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal.
15. Due to the advertisement's position close to the highway and the straight alignment of the road at this point, it would sit within the more immediate angle of vision for approaching drivers on this side of the carriageway. This would be similar to the existing poster advertisement which was affixed to the wall of the PFS retail building behind the location of the proposal at the time of my site visit. Consequently, drivers would be able to assimilate the display in good time without undue distraction from other highway users and the signalised crossing ahead. Its position next to the building and beyond the PFS entrance and exit points would also ensure that the sightlines required for drivers to register movements of vehicles entering and exiting the PFS would not be obscured.
16. The minimum period of display for each advert would be 10 seconds and these adverts would be static with no moving images or transition effects. Consequently, any change in the advertisement displayed would be almost instantaneous and the

advertisement is unlikely to be distracting or confusing to road users. The appellant has provided a suite of model conditions which could secure that the advertisement is only operated within these parameters. The model conditions provided also include for example that no images displayed resemble road traffic signs, traffic lights or traffic matrix signs, and such a condition would further limit any potential for confusion or conflict with the signalised junction.

17. For the reasons outlined above, the proposed advertisement would have an acceptable impact on public safety.
18. The Council have mentioned conflict with Policy AC1 and AC2 of the LP, which primarily relates to development that will generate additional trips and does not relate to safety generally. In any case, as the policies of the LP are not own their own determinative in an application seeking advertisement consent, this does not alter my conclusion on this main issue.

Conditions

19. Advertisement consent is subject to the 5 standard conditions. I have also had regard to the suite of model conditions provided by the appellant. As part of my recommendation, I attach conditions requiring that the advertisement would have no moving images, animation, video or full motion images, to control illumination levels during hours of darkness and the daytime, to control advert duration and transition, to include a mechanism to turn the display to a blank screen in the event of a malfunction and requiring that no images are displayed that resemble road signs or traffic signals. These conditions are reasonable and necessary in the interests of amenity and public safety.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I therefore recommend that the appeal should be allowed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR