
Appeal Decision

Site visit made on 21 February 2017

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th February 2017

Appeal Ref: APP/P4605/Z/16/3161198

Advertising Display, St Chads Queensway, Lancaster Street, Birmingham B4 6HG

- 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 Primesight against the decision of Birmingham City Council.
 - The application ref 2016/05721/PA, dated 5 July 2016, was refused by notice dated 25 August 2016.
 - The advertisement proposed is 1no. single-sided 96-sheet digital advertising hoarding following removal of 1no. single-sided 48-sheet advertising hoarding.
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Decision

1. The appeal is allowed and consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Annex.

Preliminary Matter

2. Since advertisement consent was refused, the Council has adopted the Birmingham Development Plan (2017) ("BDP"). The BDP supersedes policies 3.8 and 3.10 of the Birmingham Unitary Development Plan (2005) ("UDP") referred to on the decision notice, whereas UDP policy 3.14C remains extant. I have taken into account the Council's current development plan policies and guidance¹ that are applicable to the proposal, although as the Regulations require decisions to be made only in the interests of amenity and where relevant public safety, they have not been a decisive consideration in reaching my decision.

Main Issue

3. The main issue is the effect that the proposal would have on the visual amenity of the area.

Reasons

4. The appeal site is a strip of land immediately alongside a busy dual carriageway on the edge of Birmingham city centre. Due to its position on the outside of a bend, the existing hoarding on the site is clearly visible to drivers travelling in both directions, as well as from certain vantage points on the opposite side of the road. There are a number of other hoardings nearby,

¹ Birmingham City Council *Location of Advertisement Hoardings Development Control Guidelines* (1998).

including two 48-sheet displays immediately to the east and a 96-sheet digital display in a car park some distance beyond these.

5. The proposal would entail replacing the existing digital hoarding with one that would be approximately twice the length. Whilst it would be noticeably larger, it would be no higher than the existing sign and would be seen in the context of the surrounding city scape which comprises large, tall buildings on the opposite side of the road, lower buildings and trees to the rear, the dual carriageway, and other large advertisements. It would not, therefore, appear incongruous or unduly dominant in this particular street scene. Sufficient space would remain between the proposal and the nearest other hoarding meaning that it would not result in an unduly cluttered or cramped display or have an unacceptable cumulative impact.
6. I conclude on the main issue that the proposal would not materially harm the visual amenity of the area, and would be consistent with national policy², BDP policy PG3, UDP policy 3.14C, and associated guidance which seek to achieve high quality design and ensure that advertising hoardings along transport corridors respect the scale of adjacent buildings and do not detract from the visual amenity of the area or the image of the city.
7. Advertisements that are illuminated, incorporate frequent changes of display or moving elements, or require close study are more likely to cause a distraction to motorists³. The eleven conditions set out in the attached annex, which are based on those suggested by the Council, are necessary to ensure that the proposal is designed and operated in a manner that does not cause an undue distraction to drivers on the busy dual carriageway and thereby compromise highway safety.

Conclusion

8. For the reasons set out above, the appeal should be allowed.

William Fieldhouse

INSPECTOR

² National Planning Policy Framework paragraph 67, and Planning Practice Guidance (PPG) ID-18b-079.

³ PPG-ID-18b-068.

Schedule of Conditions additional to those set out in the Regulations

- 1) The intensity of the illumination of any display on the advertisement hereby permitted shall be no greater than 300 cd/m².
- 2) The advertisement hereby permitted shall at all times be operated with a mechanism that monitors ambient light conditions and adjusts the illumination accordingly. Details of the mechanism shall be submitted to and approved in writing by the local planning authority prior to the first display of the advertisement.
- 3) The advertisement hereby permitted shall at all times be operated with a mechanism that freezes the display in one position if a malfunction occurs. Details of the mechanism shall be submitted to and approved in writing by the local planning authority prior to the first display of the advertisement.
- 4) The advertisement hereby permitted shall not emit noise, sound, smoke, smell or odours at any time.
- 5) Any sequential changes of display shall take place over the whole screen instantaneously and over a period no greater than 0.1 seconds.
- 6) Any sequential changes of display shall not take place more than once every 8 seconds.
- 7) No special visual effects, including fading, swiping or animated transition methods, shall take place during any sequential changes of display.
- 8) No special visual effects, including animated, flashing, scrolling, intermittent or video elements, shall take place during any display.
- 9) No interactive advertisements shall be displayed at any time.
- 10) No message sequencing shall take place at any time.
- 11) No display may include changing light patterns at any time.