



Appeal Decision

Site visit made on 3 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 6 July 2017

Appeal Ref: APP/P4605/Z/17/3173567 5 Priory Square, Birmingham B4 7LJ

- 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 Mr Kyle Tidey of Elonex against the decision of Birmingham City Council.
 - The application Ref 2016/10514/PA, dated 16 December 2016, was refused by notice dated 14 February 2017.
 - The advertisement proposed is 12 m x 3 m screen erected in steel framework, thickness from wall is 0.2 metres, and fixed to fascia walls overlooking Bull Street and Corporation Street.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. 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 following additional conditions:-
 - 1) The intensity of the illumination of the advert permitted by this consent shall be no greater than 600 candela/m².
 - 2) The advertisements displayed shall not change more frequently than once every 8 seconds.
 - 3) The sign shall not display any flashing or moving images and the complete screen display must change instantly between advertisements.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The appeal site comprises a shopping centre located within the retail centre of Birmingham. The advert would be provided around the west corner of the building, facing the junction of Bull Street and Corporation Street. This corner of the shopping centre has retail shop fronts at ground floor level and a plain concrete façade above, on which the advert would be positioned.
4. There are no other illuminated adverts in the locality comparable in scale to that proposed. However from my site visit, which I partly conducted after sunset, I saw that there were some internally illuminated adverts on the bus stops and on the facias of the shops opposite the site, and a number of other

light sources including street lights, traffic lights, external lighting at the public house opposite and down lighters on the shopping centre itself. Although I recognise the proposal would be larger and more prominent than the other adverts and light sources in the vicinity, I do not consider it would appear incongruous in the context of its setting and instead would be reflective of its city centre location. Indeed, there are similar adverts elsewhere in the city centre such as at the corner of New Street and High Street a short distance away.

5. Moreover, although the advert would appear prominently on the shopping centre, it would not be disproportionate with the building's scale. Indeed it would break up the unappealing blank massing of the building and in this respect would contribute positively to the street scene.
6. As such I consider the advertisement would not harm the amenity of the area. I have taken into account Policy PG3 of the Birmingham Development Plan (BDP) and saved paragraph 3.14D of the Birmingham Unitary Development Plan which both seek to protect local context and character and so are material to this case. The proposal would not conflict with these policies.
7. I have also taken into account the advice in the Council's Location of Advertisement Hoardings Supplementary Planning Document, and paragraph 67 of the National Planning Policy Framework (the 'Framework') which both underline the need for adverts to not adversely affect local amenity.

Conditions

8. In addition to the standard conditions, I have considered the suggestions of the Council against the requirements of the Planning Practice Guidance and the Framework.
9. I have imposed three conditions which seek to provide greater control. The first condition limits the brightness to 600candela/m² in the interests of amenity. I can find no reason why the brightness should be limited further, as suggested by the Council, particularly as, from the evidence before me, it appears that other adverts in the city centre are restricted to 600candela/m².
10. I have attached other conditions to prevent moving images and to control the frequency of the change of adverts in the interests of public safety. I have not added any further controls relating to the content of the signs as Section 3(4) of the Regulations advises that an express consent shall not contain any limitation or restriction relating to the content unless it is necessary in the interests of amenity of public safety, which I do not consider would be the case here.

Conclusions

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR