



Appeal Decision

Site visit made on 7 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/P4605/Z/19/3241115

Expressway Industrial Estate, Bracebridge Street, Birmingham, B6 4NE

- 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 Richard Page (Insite Poster Properties) against the decision of Birmingham City Council.
 - The application Ref 2019/07471/PA, dated 19 August 2019, was refused by notice dated 30 October 2019.
 - The advertisement proposed is a digital advertising display. Display of illuminated static images on a 10 second sequential rotation. No special effect including animation, flashing or fading. Illumination: Display will monitor and adjust to ambient light levels. Day max 600 candela/sqm. Night max 300 candelas/sqm.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Amenity

3. The appeal site comprises an area of land adjacent to the entrance to Expressway Industrial Estate. The site is currently grassed with some small shrubs present. To the east of the site is the A5127, Aston Road with the A38(M) Aston Expressway beyond and Dartmouth Circus to the south-east. The site is within a setting of industrial and commercial buildings and the adjacent road infrastructure is elevated, and so a prevalent feature of the surrounding area.
4. The proposal is for an internally illuminated hoarding sign, which would be mounted on a freestanding monopole and face towards Dartmouth Circus. The buildings within the industrial estate are generally low level, and the closest buildings are also at a lower ground level than the site. The proposed advertisement would project above the rooflines of the buildings in the vicinity and above the elevated road network.
5. Whilst there are taller structures to the north and west these are a significant distance from the site. Other structures, such as the gas towers to the east, whilst closer to the site, are physically and visually separated by the road network and the proposed advertisement would not be viewed against these structures.

6. The appellant has referenced other digital displays to the east of the site. One of these is an elevated freestanding structure and faces on to Dartmouth Circus. I saw on my site visit that this advertisement is in close proximity to the adjacent buildings and it is viewed against a backdrop of taller and more concentrated development.
7. The other digital display is attached to the existing road infrastructure and faces on to the A38(M) Aston Expressway which, at this point is below the level of Dartmouth Circus. As a result, this sign does not project significantly above the elevated road sections and is not an overly prominent feature.
8. The proposed advertisement would however appear as an isolated structure and considering its proximity to the elevated road and pedestrian network from which it would be primarily viewed, it would appear as a dominant feature on the skyline. The illumination of the advertisement would further add to its incongruity and as a result it would be a very prominent feature. I therefore conclude that the advertisement would significantly harm the amenity of the area.

Public Safety

9. As detailed above, the site lies adjacent to a significant part of the road network in Birmingham. The A5127, Aston Road, A38(M) Aston Expressway and A4540/ Newton Middleway are all in close proximity to the site with Dartmouth Circus forming the intersection of these main routes. It is evident that the proposed advertisement would be designed to be viewed from this adjacent road network, particularly Dartmouth Circus and routes north.
10. I saw on my site visit that this is an extremely busy part of the road network. Dartmouth Circus is traffic light controlled and there are multiple lanes and a bus stop in close proximity to the site on the A5127. This is a location where drivers would need to pay particular attention to road conditions and make decisions, such as changing lanes, braking, adjusting speed, merging into traffic and responding to traffic lights.
11. The Highway Authority have raised concerns with the scale and location of the advertisement and consider it would infringe the existing gantry signs and appear as part of it from a distance or at night. Consequently, they consider it would pose a distraction to vehicles and adversely impact on public safety.
12. The Planning Practice Guidance states that all advertisements are intended to attract attention though those proposed at points where drivers need to take more care are more likely to affect public safety. Furthermore, it confirms that the main types of advertisement which may cause danger to road users are those which are illuminated, on the skyline or, because of their size or siting, would obstruct or confuse a road-user's view.
13. As detailed above, the proposed advertisement would be an isolated structure and a dominant feature on the skyline. I note the appellant states the illumination would accord with best practice guidance, not include any special effects and conditions could be imposed to control the level of illumination. However, due to its size and siting adjacent to a busy road network, it would still prove a significant distraction to road users, and conditions would not be sufficient to mitigate this harm.

14. Due to its overall size and siting the advertisement would partially obstruct and confuse road-users' views of the existing gantry signs as they negotiated the roundabout, particularly on the approach from the west and heading north and would therefore cause unacceptable harm to public safety.

Conclusion

15. I note the appellant has attempted to overcome objections to a previous scheme on the site. Having considered the proposal on its own merits, this does not alter the harmful effects I have found.
16. The Council have cited Policy PG3 of the Birmingham Development Plan, 2017 and saved Paragraphs 3.14C-D of the Birmingham Unitary Development Plan, 2005, Supplementary Planning Guidance: Location of Advertisement Hoardings and the National Planning Policy Framework in the reasons for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these into account, as far as they are relevant to amenity and public safety, they have not been decisive considerations in my determination of this appeal.
17. For the reasons given above, I find that the proposed advertisement would significantly harm amenity and public safety and therefore the appeal is dismissed.

A Denby

INSPECTOR