



Appeal Decision

Site visit made on 9 June 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/P4605/Z/20/3246065

Beneficial Building, 28 Paradise Circus Queensway, Birmingham B1 2BJ

- 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 Keith Miller - Blow Up Media UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/09702/PA, dated 22 November 2019, was refused by notice dated 20 January 2020.
 - The advertisement proposed is mesh weave advertisement banner attached to frames on a site scaffold.
-

Decision

1. The appeal is allowed and express consent is granted for the display of a mesh weave advertisement banner attached to frames on a site scaffold at Beneficial Building, 28 Paradise Circus Queensway, Birmingham B1 2BJ as applied for through application Ref 2019/09702/PA, subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/sqm.
 - 2) The advertisement hereby consented shall not be illuminated by flashing or intermittent lighting.
 - 3) The advertisement consent hereby granted shall expire 12 months from the date of this decision.

Procedural Matter

2. At the time of my visit, an advertisement banner was not being displayed at the appeal site, although its proposed position was clearly delineated within the black mesh weave material which currently covers the southern façade of the building.
3. Notwithstanding the description of the proposal in the application form, the advertisement would be externally illuminated.

Main Issue

4. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

5. I note the temporary nature of the previous advertisement consents at the site including those granted for similar proposals at appeal¹. Thus far,

- redevelopment of the site has not progressed. Even so, I note that there has been a relatively recent change in ownership and that a revised planning application for conversion of the building to a 130-bed hotel with some retail development was granted in 2018. As far as I am aware this planning permission remains extant. The appellant advises that pre-build requirements, including scrutiny of the necessary sound insulation for the hotel rooms, has delayed implementation. The information before me anticipates a start during 2020 and completion during 2021. Having regard to these factors, I have no reason to doubt the appellant's intentions to develop the site and, in the interim, wanting to display the advertisement for a temporary period.
6. The scale of the advertisement would make it visually dominant and, when viewed in combination with the advertisement at the neighbouring 'Red Cage' car park, there would be some cumulative impact. However, any harm to visual amenity would be limited in the context of the position of the advertisement next to a heavily trafficked thoroughfare within the predominantly commercial context of the city centre. As part of a screen to the façade of the current derelict condition of the building, the advertisement would also provide some visual benefit until development takes place. My observations are therefore similar to those of previous Inspectors and I find that the overall relationship of the advertisement with the visual amenity of the area would be acceptable in this particular instance.
 7. To conclude, having regard to the site-specific factors set out, the advertisement would have an acceptable effect on the visual amenity of the area for the temporary period sought.
 8. The Regulations make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Whilst the Council's policies cannot by themselves, be decisive, I have taken into account Policy PG3 (Place making) of the Birmingham Development Plan (2017), saved Paragraph 3.14D of the Birmingham Unitary Development Plan (2005) and guidance in the Council's Large Format Banner Advertisements Supplementary Planning Document (2008) which seek to protect amenity and so are material in this case. Given my conclusion, I also find that the advertisement would not conflict these policies and guidance and would also adhere with the provisions of paragraph 132 of the Framework.
 9. The Council has referred me to conditions listed in the Transportation comments made in respect of the application for advertisement consent. As suggested by the appellant, I attach the same 3 conditions that were included under the previous decision for appeal ref APP/P4605/Z/18/3215112. These meet the Council's requirements in terms of limiting the period of consent and controlling the levels of illumination, which is required in the interests of amenity. I have not attached a condition specifying the approved drawings. Consent is granted in accordance with the terms of the application, which included drawings and specifications for the proposed advertisement.
 10. It would not be reasonable or necessary to attach a planning condition requiring an appropriate licence to be obtained for the banner element over sailing the highway.

M Russell INSPECTOR