



Appeal Decision

Site visit made on 21 July 2020 by S Watson BA(Hons) MSc

Decision by Alex Hutson MRTPI CMLI MArborA

An Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/P4605/Z/19/3243506

Grand Central Metro Stop, Stephenson Street Adj. Navigation Street, Birmingham B2 4HD

- 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 Miss Joanne Murray – Clear Channel UK against the decision of Birmingham City Council.
 - The application Ref 2019/06581/PA, dated 2 August 2019, was refused by notice dated 23 October 2019.
 - The advertisement proposed is the display of single-sided digital advertising panel on FSU with paper panel on reverse.
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Decision

1. The appeal is allowed and express consent is granted for the display of single-sided digital advertising panel on FSU with paper panel on reverse at Grand Central Metro Stop, Stephenson Street Adj. Navigation Street, Birmingham B2 4HD in accordance with the terms of application Ref 2019/06581/PA, dated 2 August 2019, and subject to the five standard conditions set out in the Regulations.

Preliminary matter

2. The application form indicates that the proposed advertisement is already in place and that it would replace an existing advertisement. However, I observed that the proposed advertisement has not yet been erected and nor would it replace an existing advertisement. I have considered the appeal on this basis.

Appeal Procedure

3. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The Council acknowledges the proposal would have no harmful effects on public safety. As such, the main issue is the effect of the proposal on the visual amenity of the area.
5. The site is located in the Colmore Row and Environs Conservation Area (CRECA). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the CRECA¹.

¹ This is a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Reasons for the Recommendation

6. The appeal site is located on the north side of Stephenson Street near the junction with Lower Temple Street and Navigation Street and contains a tram shelter. The surrounding area is predominantly commercial in character. To the south of the appeal site is Grand Central, a train station and commercial building of a contemporary design. The proposed advertisement would be an addition to the existing shelter and would be integrated centrally within it.
7. The appeal site is on the edge of and within the CRECA which stretches to the north. The Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies 2006 (CRECACA) describes the historic interest of the conservation area as stemming from the quality and variety of the architecture which reflects the growth of the city as a financial, retail and service centre. The edge of the conservation area runs along the middle of Stephenson Street which forms a transitional space between the historic environment to the north, and the modern development of Grand Central to the south.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 192 of the National Planning Policy Framework (the Framework) sets out matters which should be taken into account for proposals affecting heritage assets, including sustaining and enhancing their significance and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework notes that the quality and character of places can suffer when advertisements are poorly sited and designed. The Government's Planning Practice Guidance suggests that advertisements may be permitted in a commercial area of a major city, where the advertisement would not adversely affect the visual amenity of the neighbourhood.
9. The proposed advertisement would be of a modern design that would essentially infill a small central gap at the rear of the tram shelter. The shelter itself is modern in both its appearance and use of materials. The advertisement would be a relatively limited addition which, notwithstanding its digital nature, would not markedly alter the appearance of the shelter and would not be overtly prominent within the street scene given its commercial context. Likewise, as it would form an integral part of the shelter, rather than an independent structure, the proposed advertisement would not lead to a cluttering of the street scene.
10. Advertising, including digital advertising, is not uncommon within the immediate commercial surroundings and the proposal would form a part of the current way the city functions as a commercial centre. In this way, while it is not reflective of the historic appearance of the CRECA, focussed primarily on the architecture of its buildings, given its scale and connection to the tram shelter it would not harm the character or appearance of the CRECA and would reflect its commercial character.
11. In conclusion, I find that the proposal would not be harmful to the visual amenity of the street scene and area would preserve the character and appearance of the CRECA.

12. I have taken into account Policies PG3 and TP12 of the Birmingham Development Plan 2017 and saved Policy 3.14D of The Birmingham Unitary Development Plan 2005. These policies relate to reinforcing sense of place, respecting the character and appearance of an area and to the conservation of the historic environment and so are material in this case. I have also taken account of the guidance of the CRECACA, which advises that development should achieve a satisfactory visual relationship with its historic surroundings, demonstrating a regard for the character of the immediate street scene and the wider conservation area. Given that I have concluded that the proposal would not harm visual amenity and would preserve the character and appearance of the CRECA, the proposal would not conflict with these policies and guidance.
13. Moreover, in light of the above, the proposal would also not conflict with paragraphs 132 and 192 of the Framework, which relate to advertisements and heritage assets.

Conclusion and Recommendation

14. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

Alex Hutson

INSPECTOR