



Appeal Decision

Site visit made on 20 October 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/P4605/Z/20/3253508

Fort Self-Storage, Fort Parkway, Erdington, Birmingham B24 8DW

- 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 Ajaz Mahmood against the decision of Birmingham City Council.
 - The application Ref 2020/01339/PA, dated 13 February 2020, was refused by notice dated 15 April 2020.
 - The advertisement proposed is display of 2no. internally illuminated freestanding double sided digital signs.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description in the banner above from the Council's Decision Notice as it describes the application clearly and succinctly in comparison to the application form.

Main Issues

3. The main issues in this appeal are the effect on the visual amenity of the area and the effect on public safety.

Reasons

Visual Amenity

4. The appeal site is located off the M6 motorway and is operated as a B8 use. The height of the advertisements would be approximately 23.5m, made up of 13.8m support, and a 9.7m x 6.4m advertisement screen, designed to be viewable from the M6 motorway above the site and internally illuminated.
5. I accept that the site is located in close proximity to the prevalent concrete construction of the M6 motorway, but I find that the construction of the appeal proposals would allow large permanent displays visible from the motorway, with the display mounted on a base of considerable height in order to reach this elevated section of motorway.
6. With the large size of the displays, and the height, and facing traffic in both directions of the motorway due to the double-sided nature of the advertisements, they would appear as skyline features and would appear incongruous amongst the predominately commercial landscape of buildings. The proposed illumination would increase the incongruous nature and as a

result, would ensure that the displays are extremely prominent, even amongst the immediate industrial landscape.

7. I therefore find the proposal is in conflict with Policy PG3 of the Birmingham Plan 2031 (adopted 2017) which amongst other issues, looks to reinforce local distinctiveness with designs that respond to site conditions and local area context. In addition to this, I also find conflict with Paragraph 7.7 of the Supplementary Planning Guidance "Location of Advertisement Hoardings" which states that advertisements are not acceptable where they create dominant skyline features, particularly when out of scale and therefore harmful to the visual amenities of the locality.

Public Safety

8. I have noted the comments of Highways England regarding this section of the M6 motorway in that it has a collision rate above the national average and is considered to be a 'decision-making zone' due to the proximity of the A38 exit. I have also taken into account the comments of another Inspector who stated *"Advertisements close to and projecting above the carriageway along this section of the M6 are notable by their absence which contrasts the myriad signs and other structures elsewhere along its length through the conurbation. In this particular area it cannot be said that such structures contribute to defining local character, which I consider to be generally greener softer and uncluttered in comparison to other stretches of the M6 within the conurbation. I acknowledge the presence of electricity pylons, but these are not unusual features within the landscape and the proposed advertisement structure would stand out by way of its completely different and novel appearance"* and also commented on providing a distraction to drivers, echoing the advice of Highways England.
9. On my site visit, I was aware that this section of the M6 is busy, and an illuminated display would have the potential to distract drivers at an acknowledged collision point above the national average. The introduction of this large distracting feature would fail to preserve the public safety of drivers at this point.
10. Whilst the luminance of the advert can be adequately managed with a suitable condition, the introduction of such a large illuminated advertising panel would nevertheless still constitute a visual intrusion which would cause a hazard to road users.
11. The National Planning Policy Guidance (the PPG) gives clear guidance in Paragraph 067 (Reference ID : 18b-067-20140306) sections (b) and (d) that state that advertisements should be resisted that would reduce the clarity or effectiveness of a traffic sign; would be likely to distract road users; that use LED technology where illumination would be directly visible from any part of the road, or could result in glare and dazzle that could distract road users particularly in misty or wet weather.
12. Given this unequivocal guidance, I find that the type and location of the advertisements would prove a distraction to road users at this key passage of the road network, and would cause harm to public safety, contrary to both Paragraph 067 of the PPG and the Location of Advertisement Hoardings Supplementary Planning Guidance (1998), specifically paragraph 6.2 which states that advertisements will not normally be acceptable where they are

purposefully designed to be read from the roadway and distract drivers, as well as where the light source would create glare and distraction to road users, which could create a traffic hazard.

Other Matters

13. I have noted the appellants comments regarding public safety, and the promotion of a study by Brunel University. I have studied the submission, but this is an academic paper, and has not formed any part of both local and national planning policy on such matters. I can only therefore attach minimal weight to its findings.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Paul Cooper

INSPECTOR