



Appeal Decision

Site visit made on 18 February 2021

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/P4605/Z/20/3264163

92 Stechford Lane, Birmingham, B8 2AN

- 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 Alight Media against the decision of Birmingham City Council.
 - The application Ref 2020/07753/PA, dated 29 September 2020, was refused by notice dated 26 November 2020.
 - The advertisement proposed is *'replacement of a previously removed existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.'*
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Decision

1. The appeal is allowed and consent is granted for replacement of a previously removed existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display at 92 Stechford Lane, Birmingham, B8 2AN. The consent is for 5 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 luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
 - 2) The maximum luminance of the advertisement shall not exceed 300 candela per square metre during darkness and 600 candela per square metre in daylight hours.
 - 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
 - 4) The interval between successive displays shall be 0.1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - 5) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.

- 6) The advertisement shall include controls to ensure smooth uninterrupted transmission of images.
- 7) The sequencing of messages relating to the same product is not permitted.
- 8) If the installation breaks down or is not in use, it shall default to a plain, black screen.

Main Issue

2. The main issue is the effect of the proposed advertisement display on the visual amenity of the surrounding area.

Reasons

3. The appeal site forms part of the south-facing elevation of a 2-storey building at 92 Stechford Lane, which lies on the north-east corner of the junction of Stechford Road with Stechford Lane. The building is in a prominent location and the ground floor is being used as a shop with advertisements on the front and the boundary fencing. There are other shops in the surrounding area which also includes other businesses fronting both sides of the road. Some of these have a residential use at first floor level, which may also apply to the appeal building.
4. At my site visit I observed that, although there are mainly residential properties fronting Stechford Lane and Stechford Road to the north and east of the site, the immediate area, including that from which the advertisement display would be most visible, displays other advertisements at the shopfronts, over upper floors and on flank walls. This area is well lit with high level lighting and includes traffic signals close to the site at the road junction and at a nearby busy roundabout junction. The Council has accepted that there has previously been a non-illuminated advertisement of a similar size to that proposed at the proposed location until March 2019 and, at my visit, I could see marks from it on the side wall of the building.
5. The Council's 1998 Supplementary Planning Document: Location of Advertisement Hoardings suggests in paragraph 5.5 that in a mixed commercial/residential area advertisement panels may be acceptable where they do not adversely affect amenity, which is in accordance with the requirements of the Advertisements Regulations. The national Planning Practice Guidance indicates that an advertisement could be permitted in an industrial or commercial area of a major city where it would not adversely affect the visual amenity of the neighbourhood or the site.
6. The Institute of Lighting Professionals Guide No 5: The Brightness of Illuminated Advertisements recommends levels of luminance for certain sizes of advertisements in certain generally defined Zones. I am satisfied that the proposed luminance at night would be able to be controlled by condition to ensure that it would not exceed the maximum recommended in the Guide for a site within the defined Zone E3: 'Suburban Medium district - Small town centres or suburban locations'. This would be strictly measurable and therefore enforceable.
7. The appellant has stated that during daylight, the luminance would be controlled by sensors to ensure that the advertisement would be bright enough

to be clearly seen, but not so bright as to stand out unusually. As such and taking account of the level of lighting in the surrounding area, I am satisfied that the illuminated advertisement would not be unacceptably conspicuous at night.

8. Whilst the upper floor of the appeal building appears to me to be used as a residential property, the nearest window is adjacent to, and faces away from, the site of the advertisement on the side of the wall. It would therefore be unlikely that there would be any significant additional light pollution entering that room from the illumination. Furthermore, I observed that the windows to other residential properties that face the side wall are far enough away, and/or are at an obscure angle to the side wall, to ensure that the proposed illumination would not result in unacceptable levels of light entering habitable rooms.
9. The advertisement would be located on the side of a building that has no exceptional features, on which I am satisfied that an advertisement hoarding has recently been displayed. It is sited at the junction of busy, well-lit main roads and near to a city centre within a mixed commercial and residential area and surrounded by a variety of other advertisements. Based on this, I find that the advertisement display would be in keeping with the character and appearance of the area and would not cause any significant harm to visual amenity.
10. For the reasons given above, I have found that the proposed advertisement display would not have an adverse effect on the visual amenity of the surrounding area. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

Conditions

11. I have considered the conditions suggested by the appellant and the Council consultee, including the five standard conditions set out in the Regulations. The appellant has requested that the consent be for 10 years rather than the standard 5 years. However, the reason given that it would be illuminated is insufficient justification to make this significant change to the timescale, and there is nothing before me to show that it would not be possible to apply for consent for a further 5 years at the end of the 5-year period.
12. The 8 additional conditions suggested by the appellant to control the luminance and the type of display are necessary in the interests of public safety and visual amenity. With regard to the luminance, a condition to limit it to 300 candela per square metre at night, as suggested by the appellant, and 600 candela per square metre during the day, as suggested by the Council consultee, would be appropriate for the type of area that it would be located and to minimise the likelihood of an unacceptable level of driver distraction when it is dark.
13. I find that all these conditions are reasonable, necessary and enforceable.

M J Whitehead

INSPECTOR