The Planning Inspectorate

Appeal Decision

Site Visit made on 18 May 2021 by G Sibley MPLAN MRTPI

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/P4605/Z/21/3270752
Advertising bus shelter on pavement outside Snow Hill Railway Station, 7 Colmore Row, Birmingham B3 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 Mrs Helen Williams of Clear Channel UK against the decision of Birmingham City Council.
- The application Ref 2020/06944/PA, dated 4 September 2020, was refused by notice dated 14 January 2021.
- The advertisement proposed is display of internally illuminated double sided digital advertising panel on bus shelter.

Decision

1. The appeal is allowed and express consent is granted for display of internally illuminated double side digital advertising panel on bus shelter at advertising bus shelter on pavement outside Snow Hill Railway Station, 7 Colmore Row, Birmingham B3 2BJ. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following condition:

   1) The digital advertising screens hereby approved shall be displayed only in accordance with the following:

      a) The interval between successive displays shall be 0.1 seconds or less;

      b) No special visual effects of any kind shall be permitted to accompany the transition between any two successive messages. The transition shall not include fading, swiping or other animated transition methods;

      c) No special visual effects of any kind shall be permitted during the time that any message is displayed. The advertisement shall not include animated, flashing, scrolling, intermittent or video elements;

      d) No individual advertisements shall be displayed for a duration of less than 8 seconds and the same advertisement shall not be shown in succession;

      e) No advertisement shall be allowed to emit noise, sound, smoke, smell or odours;

      f) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error message or pixilation;

      g) No advertisement shall include features/equipment which would allow interactive messages/advertisement to be displayed;

h) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels; and

i) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours.

Appeal Procedure

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

Preliminary Matters

3. The description of the proposal in the original application form is a descriptive explanation of the position rather than an identification of it. In the interest of clarity, I have considered the proposal on the basis of the description taken from the Council's Decision Notice.

4. The Regulations, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have had regard to the policies referred to in the Council's decision notice. However, having regard to the above, these policies have not been decisive in my determination of this appeal. As the proposal falls within the setting of the listed Great Western Arcade which is located on the opposite side of Colmore Row, I am also mindful of my statutory duty.

Main Issue

5. The effect of the advertisement on the visual amenity of the area, with particular regard to whether the proposal would preserve the setting of the Grade II listed Great Western Arcade and linked to this, the effect of the proposal upon the setting of the adjacent Colmore Row and Environs Conservation Area (CA).

Reasons for the Recommendation

6. The site is located on Colmore Row outside of a courtyard in front of the entrance to Snow Hill Station. The courtyard outside of the station is bound by three modern skyscrapers and on the opposite side of the road are further modern skyscrapers which includes the entrance to the Grade II listed Great Western Arcade. The ground floor of these buildings are typically occupied by commercial uses which generally have illumined signage above the entrances. Furthermore, along Colmore Row there are standalone illuminated street signs that are a mix of advertisements and informational signs. The appeal site is located outside of but close to the boundary of the Colmore Row and Environs Conservation Area (CA) which runs along the opposite side of Colmore Row to the appeal site.

7. Construction is currently underway to redesign the road layout in front of this courtyard and the proposals include a new bus shelter. The advertisement is proposed to be incorporated into this bus shelter.

8. The PPG notes that in assessing amenity, the decision maker would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic,

historic and architectural or cultural features the decision maker would consider whether it is in scale and in keeping with these features.[1]

9. The Great Western Arcade is a covered row of shops with a mezzanine floor above. The Temple Row side of the Arcade is the buff coloured stone triumphal arch entrance. The listing description for the Great Western Arcade notes that the Colmore Row end of the Arcade is entirely altered and is of no interest. The Arcade is experienced whilst passing through the building but when exiting the Arcade, the view is of the development around the entrance to Snow Hill Station which is the three large modern skyscrapers around the central courtyard.

10. As a result, when exiting the Arcade, the advertisement would be viewed as part of the modern development around Snowhill Station. Furthermore, because the advertisements in this location are not limited to just those above the shopfronts and given that the Colmore Row end of the Arcade is of no interest, the proposal, when viewed approaching the Arcade, would not appear out of character with the surrounding commercial development. Being located on existing street furniture and given the context that the advertisement would be viewed I find that it would not result in visual clutter in this location. Consequently, the proposal would preserve the setting of the listed building, in this instance.

11. The CA is located on the opposite side of Livery Street and continues along Colmore Row and also includes the Great Western Arcade. The Conservation Area in this location derives its significance from the large-scale buff coloured stone built commercial buildings along Colmore Row as well as the Grade I Cathedral Church of St Phillips and its associated grounds. There is a distinct change in character between the area around the appeal site which is characterised by modern commercial skyscrapers which have large areas of glazing, and the CA further along Colmore Row where the buff coloured stone buildings, the tree lined roads, as well as the Grade I listed Cathedral creates an attractive street scene where the commercial uses are not as obvious or as dominating as the street scene around the site.

12. The proposal would be visible from the CA from Colmore Row, but it would be viewed in the context of the tall commercial buildings and various forms of advertising nearby, including signage on premises and free-standing advertisements. Furthermore, given the angle of the advertisement, which would be parallel with the CA boundary along Colmore Row, it would not be unduly prominent in the streetscene. As such, I consider that it would not be intrusive or alter the character or appearance of the area to a degree that would result in harm to the setting of the CA.

13. Therefore, given the scale and location of the proposed advertisement, it would not adversely affect the visual amenity of the area. I have taken into consideration the Development Plan insofar as it is relevant to the proposals with specific regard to Policy TP12 of the Birmingham Development Plan 2031 (BDP) (adopted 2017) which states that great weight will be given to the conservation of the City's heritage assets which is relevant given the location of the listed building and the CA and the proposal would indeed conserve the setting of those heritage assets, such that there is no conflict with their aims. The proposal also complies with Policy PG3 of the BDP as well as paragraph

[1] Paragraph: 079 Reference ID: 18b-079-20140306

3.14D of the Birmingham Unitary Development Plan which combined state that development should ensure that street and public spaces are attractive, functional, inclusive and able to be managed for the long term which is relevant given the location of the proposal within a public space. Additionally, the proposal complies with the Framework insofar as it states that proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.

Other Matters

14. Whilst not a matter in contention between the main parties, the proposed advertisement would be built into a bus shelter and as a result it would not hinder pedestrian movement within the street and subject to conditions controlling the levels of illumination, among other matters, the proposal would not cause harm to public safety.

Conditions

15. The Council has not suggested any additional conditions in their questionnaire other than the five standard conditions set out in Schedule 2 of the 2007 Regulations. Nevertheless, the Birmingham City Council Transportation Development recommended a number of conditions which the appellant also noted and did not object to. Consequently, I have summarised and re-worded these conditions into a single condition in the interests of clarity. This would limit the levels of illumination as well as the type and number of advertisements that would be used, among other matters. This would be necessary in the interests of public safety, given the location of the proposed advertisement in an area which is heavily trafficked by both pedestrians and vehicular users where due care should be taken.

Conclusion and Recommendation

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

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be allowed, subject to the conditions set out above.

R C Kirby

INSPECTOR