



Appeal Decision

Site visit made on 30 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

by B J Sims BSc CEng (Hons) MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/Z3445/Z/21/3279237

Land at Tamworth FC between Ankerdrive and Peelers Way, Ankerdrive, Tamworth, B77 1AA

- 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 Graeme Hughes C/O Alight Media against the decision of Tamworth Borough Council.
 - The application Ref 0277/2021, dated 21 May 2021, was refused by notice dated 15 July 2021.
 - The advertisement proposed is a freestanding 48-sheet sized digital LED advertising unit mounted on a single column.
-

Decision

1. The appeal is dismissed.

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 Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). The provisions for advertisements remain unchanged. I have had regard to the Framework in my recommendation and I am satisfied that this has not prejudiced any party.
5. The location plan appended to the appellant's statement of case differed from the application plans submitted. For avoidance of doubt this appeal is limited to the consideration of the plans which formed the basis of the Council's decision on the application.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Main Issue

6. The Council has raised no objection to issues of public safety subject to conditions, and I observed nothing which would lead me to dispute this conclusion. Therefore, the main issue is the effect of the advertisement on the amenity of the area.

Reasons for Recommendation

7. The appeal site is at the boundary of the Football Club's car park and near the edge of a residential area. The partially made hardstanding of the car park is not particularly prominent as it is lower than Ankerdrive and screened by a hedge. The landform in the area is flat with open views of the front of the football stadium which is clad in non-digital advertisements. Signage at the Snow Dome is also non-digital. The road network and the tall form of the Snow Dome are prominent features in the area. However, this edge of town centre location is positively characterised by wide green verges, trees and mature hedges lining the road, which largely screen the commercial development to the west of the site.
8. The proposed advertisement would be set beyond the roundabout and close to the wide grass verge. Only the panel would be visible above the boundary hedge. It would be slim in profile, but the display panel would be large. Although such proposals may be commonplace across the Country and there is some support for large hoardings in commercial locations, the Planning Practice Guidance clarifies that *'in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood.'*
9. The digital screen would be higher than the front of the football stadium. It would appear as a modern feature which would fill a significant existing space above the low-profile built form of the stadium and the roofscape of the dwellings behind the football ground. The large, imposing commercial form would dominate this area for this reason.
10. Whilst there are similar size advertisements on the stadium, these are set lower than this proposal and back from the road. They are also not digital in format. The proposed advertisement, with light emitting diode (LED) display, with intermittently changing images, would be strikingly different in style from the existing paper and painted board style hoardings which would form its backdrop. Consequently, the expansive, discordant unit would unharmoniously contrast with the existing low-key form of advertising.
11. It is a well-lit area and I note the luminance controls that would be placed on the display. However, the sizeable LED display would be distinctly different from surrounding streetlights and the flood lights of the football stadium. Moreover, unlike the flood lights, which are used periodically and not required during day light hours, the display would be a continuous incongruous presence and therefore different from these features in the street scene for this reason.
12. There are no pedestrian walkways near the appeal site, and the display would be principally visible to people in vehicles approaching it from the east along Ankerdrive. The harmful effect would therefore be localised. However, the advertisement, by virtue of its size, style and position, would be at odds with the character of the area for the reasons outlined above. The impact of the intrusive form would become less visually striking after an initial viewing, but

this in itself would not nullify the harmful effect the advertisement would have on the appearance of the appeal site and its wider setting.

13. The progressive nature of this clean, modern form of advertisement is noted. However, the existing advertisements I observed were not in a poor state. This matter therefore does not weigh in favour of the proposal.
14. I have reviewed the suggested conditions offered in addition to the five standard ones applicable to advertisements. However, they would not address the harmful change to the character of the area identified in this case.
15. I therefore conclude that the proposed advertisement would have a harmful effect on the amenity of the area, and the character of the area would suffer as a result. Although not decisive in this case it would conflict with policy EN5 of the Tamworth Borough Council Local Plan which seeks high quality buildings and places. It would also be contrary to the design policies of the Framework, which at paragraph 136, highlights that the quality and character of places can suffer when advertisements are poorly designed and sited.

Other Matters

16. I have had regard for the environmental and economic benefits of the proposal. These matters are not within the scope of the Regulations which govern advertisements and there is no indication in the Framework or Planning Practice Guidance that any other factors can be taken into account in this case. For this reason, they do not weigh in favour of the proposal.
17. A proposal subject to a recent appeal decision was close to this site, but it was not in the same location and therefore not directly comparable. When assessing this proposal on its own merits I have found harm and this matter carries relatively less weight in this appeal.

Conclusion and Recommendation

18. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

B J Sims

Inspector