



Appeal Decisions

Site visit made on 28 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

Appeal A Ref: APP/P4605/W/22/3296193

Galbraith House, 141 Great Charles Street, Queensway, Birmingham B3 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne (BT Telecommunications) against the decision of Birmingham City Council.
 - The application Ref 2021/10641/PA, dated 9 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is installation of 1 no new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/P4605/H/22/3296194

Galbraith House, 141 Great Charles Street, Queensway, Birmingham B3 3LG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr James Browne (BT Telecommunications) against the decision of Birmingham City Council.
 - The application Ref 2021/10657/PA dated 9 December 2021, was refused by notice dated 24 February 2022.
 - The advertisement proposed is described as 2 no 75" LCD display screens, one on each side of the Street Hub unit.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for the installation of 1 no new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s) at Galbraith House, 141 Great Charles Street, Queensway, Birmingham B3 3LG in accordance with the terms of the application Ref 2021/10641/PA, dated 9 December 2021, subject to the conditions in the Schedule at the end of this decision.
2. **Appeal B** is allowed and express consent is granted for 2 no 75" LCD display screens, one on each side of the Street Hub unit, as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the conditions in the Schedule at the end of this decision.

Preliminary Matters

3. The 2 appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. The Regulations confine the assessment of advertisements to issues of amenity and public safety. With respect to appeal B, development plan policies are only relevant considerations insofar as they relate to such matters.

Main Issues

5. In light of the Council's refusal reasons, a main issue for both appeals is the effect of the proposals on amenity, particularly whether they would preserve or enhance the character and appearance of the Jewellery Quarter Conservation Area (the CA). In respect of Appeal A, there is an additional main issue as to the proposal's effect on pedestrian movement.

Reasons

Character and appearance and amenity

6. The CA is in the centre of Birmingham. A character appraisal for the CA states that its significance lies with its history as a centre of jewellery and metalware production, carried out in a concentration of converted houses, workshops and manufactories. A working environment remains in parts of the CA.
7. The appeal site lies in the City Fringe area of the CA where there is little evidence of historic metalworking. Instead, the immediate vicinity is characterised by a busy highway with wide roadside pavements and tall mid and late 20th century offices and commercial buildings.
8. The appeal site forms part of the pavement outside Galbraith House, an office building with ground floor retail units. The stretch of pavement on this side of the road includes lamp posts, a bus shelter, traffic lights, road signage, bins and railings as well as the kiosk proposed to be removed. Also, there is a line of mature trees that runs from near the kiosk in a south west direction. Overall, the area has a highly urbanised and car dominated character, although the wide pavements provide a pedestrian friendly environment.
9. The proposed Street Hub would be located within the centre of the pavement, set slightly away from the existing kiosk. It would be seen from both directions along Great Charles Street and from both sides of the road.
10. While set slightly away, the Street Hub would form part of the group of street furniture in the vicinity of the site. From the same side of the road and from the west, it would be generally seen with the bus shelter and trees in front. From the east, it would be viewed with traffic lights and road signs in the foreground and the bus shelter and trees behind. From the other side of the road it would be seen with the lamp posts and other street furniture and against the backdrop of the ground floor retail units at Galbraith House and adjoining properties. Therefore, from all vantage points, it would be seen as a typical urban roadside feature amongst other street furniture. Also, it would have a relatively low key visual effect in comparison to the multi storey buildings along the road. Consequently, the Street Hub would not appear incongruous nor unduly prominent.

11. Part 2 of the aforementioned character appraisal states that new street furniture will be carefully designed to enhance the unique character of the CA. There is no evidence to indicate that the Street Hub's design has been specifically influenced by the site's surroundings or the nature of the CA. However, it would be a slender and modern looking feature with a dark colour that would blend in well with the ground floor of Galbraith House. In these regards, it would be an improvement on the existing telephone kiosk to be replaced, which is an outdated and unsympathetic feature in the street scene. The removal of the booth could be reasonably secured through a planning condition and would also help ensure the proposal avoids adding to any proliferation of pavement features.
12. In terms of the advertisement element of the scheme, it is noted that the nearby bus shelter already includes a digital display. The kiosk to be removed also includes a non-illuminated paper advertisement and the nearby ground floor units include signage facing onto the highway. In light of these existing features and the general urban context, the proposed screens would not be unusual and so they would cause no detriment to the character and appearance of the CA. It would be reasonable to impose conditions that ensure the displays are not overly bright or intrusive for amenity reasons.
13. Therefore, I conclude the proposed development would preserve or enhance the character or appearance of the CA. Also, the advertisement element would cause no harmful effect on amenity. In these regards, the development would accord with policies PG3 and TP12 of the Birmingham Development Plan 2017 (BDP). Amongst other things, these look to ensure new development responds to local context including the historic environment. Also, the advertisement proposal would accord with policy DM7 of the Development Management In Birmingham Development Plan Document 2021, insofar as this is relevant in the determination of the advertisement appeal.

Effect on pedestrian movement

14. The Street Hub would be positioned on a wide part of the pavement so that a gap of 4.3m would be maintained between it and Galbraith House. Also, a space would be provided from the Hub to the kerb. These gaps would be of sufficient width to allow pedestrians to walk easily along the pavement and without significant obstruction.
15. Accordingly, I conclude the development would have no harmful effects on pedestrian movement. In these regards, it would accord with BDP policies TP39 and GA1.4 which promote the provision of safe and pleasant walking environments. BDP policy GA.1 is referred to in the Council's refusal reason but it includes no provisions relevant to this issue.

Other Considerations and Conditions

16. It is noted that the Council has not objected to the advertisement proposal on public safety grounds. There is no reason for me to arrive at a different view on the matter. However, I have had regard to the conditions suggested by the Council's transportation officer. To ensure the screens do not cause undue distraction to road users, conditions are included on the level of illumination, the frequency of changes to advertisements and that require instant changes to displays. For the same reason, conditions are imposed that restrict moving images and advertisements that resemble traffic signs.

17. No conditions have been suggested by the Council in respect of appeal A. However, for reasons of clarity I impose a condition that requires the development to be carried out in accordance with the approved plans. Also, to prevent a proliferation of street furniture, I include a condition that requires the removal of the existing kiosk.

Conclusion

18. For the reasons given, I conclude that both appeals should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL A – APP/P4605/W/22/3296193

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 001 revision A, 002 revision A and 003 revision A.
- 3) Works on the installation of the Street Hub hereby permitted shall not commence until the existing telephone booth shown to be removed on the approved plans has been completely taken down and removed from the defined application site and the footway paving around the vacated site is made good.

SCHEDULE OF CONDITIONS FOR APPEAL B – APP/P4605/H/22/3296194

- 1) The intensity of the illumination of the display screens shall not exceed 600 candelas per square metre between dusk and dawn and 2500 cdm² at any other time in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 2) The display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advertisement shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.