
Appeal Decision

Site visit made on 12 December 2022

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/P4605/Z/22/3305492

Big Yellow Self Storage, 20 Adams Street, Birmingham B7 4LT

- 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 Big Yellow Self Storage & Elonex against the decision of Birmingham City Council.
 - The application Ref 2022/03318/PA, dated 19 April 2022, was refused by notice dated 11 July 2022.
 - The advertisement proposed is a freestanding illuminated digital screen for the display of static posters of 3m by 6m (standard 48 sheet size).
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Decision

1. The appeal is allowed and express consent is granted for the freestanding illuminated digital screen for the display of static posters of 3m by 6m (standard 48 sheet size) as applied for. 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 additional conditions:
 - 1) The advertising unit permitted by this consent shall display static images only and no individual advertisement display shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The interval between the display of each advertisement shall take place over a period no greater than one second and the complete screen shall change with no visual effects (including swiping, scrolling or other animated transition methods) between displays.
 - 4) The advertising display unit permitted by this consent shall have a default mechanism to either turn the screen off or display a blank screen in the event of any malfunction in the system.
 - 5) The intensity of the illumination of the advertising display permitted by this consent shall be no greater than 300 candelas per square metre between dusk and dawn and comply with the latest recommendations of the Institute of Lighting Engineers technical report on the Brightness of Roadside Signs, and the display unit shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels.

Preliminary Matter

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's decision notice refers to Policy PG3 of the Birmingham Development Plan (DP), adopted January 2017 and Policies DM2 and DM7 of the Development Management in Birmingham Development Plan Document (DMB), adopted December 2021. The Council have also drawn my attention to a Location of Advertisement Hoardings Supplementary Planning Guidance (SPG) and the Birmingham Design Guide Supplementary Planning Document (SPD), adopted September 2022. I have taken those policies and guidance into account insofar as they relate to amenity and public safety.

Main Issues

3. The main issues are the effect on amenity, including the character and appearance of the area, and on public safety.

Reasons

4. The appeal location is the Big Yellow Self Storage site which consists of a large four storey warehouse style building and associated land accessed from Adams Street. The building has an exterior comprising a mix of cladding, brick facades, glazing and signage. The western side of the site is bounded by a landscaped area with intermittent trees, a totem sign and other directional signs associated with the commercial business. The building, associated landscaping and signs sit behind railings adjacent to a footway that adjoins Dartmouth Middleway (A4540) which is part of a well-lit and heavily trafficked dual carriageway section of the ring road around Birmingham city centre.
5. The proposal upon which the Council made its decision, would involve the installation of a freestanding internally illuminated single sided 48-sheet digital LED display located on poles with the main unit at 2.5m above ground level. The proportions of the main unit identified in the plans are 3.35m height by 6.1m width by 0.5m depth and therefore, it would appear relatively slimline with a modest outer frame around the 48-sheet display. It would be positioned towards the southwestern corner of the site and would be set back from the footway behind railings in a landscaped area adjoining the building. In that location, the advertisement display would be orientated to be visible from approaching vehicles on the nearside dual carriageway section of Dartmouth Middleway and for cyclists and pedestrians when approaching from a north westerly direction.
6. The surroundings of the site are predominantly commercial and industrial units in large plots with a wide variety of existing signs visible, including hoardings and billboards in the local area. The existing signs include a similar internally illuminated digital display unit further to the north-west at the junction of Dartmouth Middleway and Lord Street which faces in the same direction as the proposal. There is also a similar internally illuminated digital display in closer proximity at the junction of Dartmouth Middleway and Great Lister Street which faces alternatively to the south-west. Those examples are located at a similar height as the proposal albeit mounted on the façade of buildings. There are also smaller digital advertisement display units located nearer to the site within

the landscaped central reservation that lies between the northbound and southbound sections of the dual carriageway. The existing advertisements are within a commercial area where different types of illuminated and non-illuminated advertisements, including free-standing signs such as large billboards and fascia signs are a characteristic feature of the street scene.

7. The proposed internally illuminated digital 48-sheet display would be noticeable in the commercial setting. However, being noticeable reflects the main purpose of advertisements to draw the eye of people passing by and to provide information relating to available products and services. In this case, the advertisement display would be observed against the large scale and proportions of the existing building including a considerable expanse of yellow cladding. Although the display would sit forward of the building line, the scale and proportions of the building would provide a substantial backdrop to the advertisement display, with the immediate context also including a range of other surrounding signs within the site and a wider locality where similar illuminated digital display units are an established feature. As such I find that the proposed advertisement display would not be viewed as overly prominent, dominant, intrusive or incongruous in a street scene comprising a commercial setting where a wide range of large illuminated and non-illuminated roadside advertisements are commonplace. In reaching that finding, I have taken into account that conditions are capable of being imposed to control levels of illumination between dusk and dawn and adjust brightness to ambient light levels which would prevent unacceptable light pollution.
8. The appellant has indicated that some existing signage on the building may be removed after the installation of the advertisement display which is evident on a plan submitted with the application (drawing no. BYDMD48-005 Revision B). In any case, I am satisfied that the separation distance, design, siting and proportions of the proposal relative to the existing signs would ensure that they are compatible with each other and would not detract from the existing fenestration on other parts of the building elevation. Consequently, the proposed advertisement display would not result in visual clutter when viewed with other existing signs within the site and would not harm the character and appearance of the building. The proposed digital advertisement display would also be sufficiently distant from the other 48-sheet digital display units and other larger billboards further along Dartmouth Middleway to avoid the perception of contributing to visual clutter in the wider street scene.
9. The proposal would inevitably involve the removal of some landscaping behind the existing railings. However, the loss of landscaping would be limited in a commercial area where there are already views through to the existing building. Furthermore, the existing boundary railings provide a sense of visual separation to the existing boulevard style landscaping which characterises the central reservation of Dartmouth Middleway. I, therefore, consider that the advertisement display would not unacceptably impact upon the visual amenity of Dartmouth Middleway or its prevailing commercial character that is partly softened by landscaping. Furthermore, based on the evidence before me, the site is not within a conservation area, there are no nearby listed buildings and the proposal would not impact upon the setting of any heritage assets. It follows, that I find that there would be no harm to the amenity of the area.
10. Turning to public safety, the PPG sets out advertisement considerations relating to the assessment of effects upon public safety, including the location and main

types of advertisement which may cause danger to road users. The advertisement display is on a site within a commercial locality in a set-back position from the nearest road. The advertisement display would not obstruct or impair sight-lines of the nearby road or junctions and would not be located close to traffic signs or signals. Whilst the advertisement unit would include internal LED illumination it would consist of a static display that would change frequently but such changes are proposed to be almost instantaneously and without any special effects, and as such would be unlikely to distract passing road users. Those are circumstances where the PPG indicates that there are less likely to be road safety problems and no concerns have been raised on safety grounds. I, therefore, consider that the advertisement as proposed would not harm public safety, provided that the illumination, and the change and display of images are appropriately controlled by condition.

11. Having regard to all of the above, I conclude that the advertisement would not harm amenity, including the character and appearance of the site and the surrounding area, or public safety. The proposal does not conflict with Policy PG3 of the DP, Policies DM2 and DM7 of the DMB and the associated guidance in the Location of Advertisement Hoardings SPG and Birmingham Design Guide SPD, or the Framework in so far as they are material to those matters.

Conditions

12. The Council have not suggested any conditions beyond the five standard conditions set out in the Regulations. Additional conditions were suggested by the appellant to preclude moving images or those that resemble road signs or traffic signals, to ensure changes of display no more frequent than every 10 seconds and taking place within one second with no special effects and precluding moving images, to limit luminance levels to 300 candela per square metre between dusk and dawn and to ambient light levels, and to ensure a blank screen if the display malfunctions. Where necessary I have amended the wording of those conditions to ensure consistency with paragraph 56 of the Framework and they are imposed in the interest of amenity and public safety for reasons previously stated.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and express consent granted subject to the conditions set out.

Gareth Wildgoose

INSPECTOR