



Appeal Decision

Site visit made on 6 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023.

Appeal A: Ref APP/P4605/Z/22/3299588

Existing Poster Advertising Location, New Town Row, Aston, Birmingham B6 4HP

- The appeal was 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 was made by Elonex against the decision of Birmingham City Council.
 - The application Ref 2022/02385/PA dated 18 March 2022 was refused by notice dated 16 May 2022.
 - The application is for display of 2 no. internally illuminated digital advertisement hoardings and removal of 5 existing freestanding advertising hoardings.
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Appeal B: Ref APP/P4605/Z/22/3304286

Existing Poster Advertising Location, New Town Row, Aston, Birmingham B6 4HP

- 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 Elonex against the decision of Birmingham City Council.
 - The application Ref 2022/04524/PA, dated 6 June 2022, was refused by notice dated 1 August 2022.
 - The application is for display of 2no. internally illuminated digital advertisement hoardings and removal of 5 existing freestanding advertising hoardings.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and express consent is granted for the display of two internally illuminated digital advertisement hoardings and removal of 5 existing freestanding advertising hoardings as applied for. The consents are for five years from the date of this decision and are subject to the five standard conditions set out in the Regulations along with the following additional conditions:
 - a) The sign 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.

- b) The minimum display time of each advertisement shall be 10 seconds.
- c) The interval between advertisements 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.
- d) The display sign shall contain a feature that will turn the screen off and display a blank screen in the event of a malfunction in the system.
- e) The luminance of the sign shall not exceed 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 be fitted with a light sensor to adjust the brightness to ambient light levels.

Procedural Matter

- 3. Both Appeal A and Appeal B are concerned with the same site and location and are similar in design and proposed execution. As such I have dealt with both of these appeals as part of this decision notice accordingly.

Main Issues

- 4. The main issue is the impact of the proposals upon local amenity through the impact of the scheme upon the character and appearance of the area.

Reasons

- 5. The appeal site is within an inner city location on a primary route into the city centre of Birmingham. The area is typical of such areas where low density commercial and industrial premises dominate and where there is little visual amenity or sense of place. Apart from some rows of units that roughly address the street the majority of the area has a typically commercial and industrial appearance. The site is located however a short distance from the city centre and more recent higher density development has begun to expand into this area in the form of high rise mixed use development that has altered this character considerably from one of industrial and commercial to one of a more vibrant, higher density city centre.
- 6. The site in question is currently on the cusp of such change and consists of a grassed verge including a row of 5 billboard advertising hoardings located in a zig zag pattern as they extend across the frontage of the site behind. The hoardings currently consist of 3 x 96 size hoardings and 2 x 48 panels. The 96 hoardings measure around 12 metres wide by 3 metre high and the total advertising area is currently around 48 square metres of poster area.
- 7. I saw that the site to the rear of the hoardings appeared to be open hardstanding of some sort and was typical of such a commercial and industrial area. Although there does not appear to be an extant planning permission being implemented on the site however, there would appear to be a high probability that this land would soon be regenerated by similar new development that is advancing in this direction in the coming years. In light of this I consider the likelihood of such regeneration should be considered a material consideration in this case.

8. I also saw on my site visit that there were other digital and non digital advertising hoardings and posters within the area. At least three of these adverts were digital and placed along, or were visible from, Town Row. These appeared to me to be mostly the smaller size digital adverts and, due to the topography of the area, varied in prominence when seen from Town Row itself.
9. In assessing these appeals I consider that the main issue is the effect of the proposals upon both the existing character of the area as well as this emerging character that I consider would be very different. Ultimately, I consider that the placement of such hoardings, whilst so common in such industrial areas, would run the real risk of causing harm to a more mixed use context, where they would tend to dominate and introduce added clutter into the streetscene.
10. Despite this, the proposal would remove three hoardings and as such would reduce the advertising area by around 50%. This would also somewhat reduce the relatively dated area of advertising hoarding that currently exists and, in the case of Appeal B at least, this would allow views into and out of the site behind which would benefit the area somewhat.
11. The two proposals before me differ slightly in their detail and execution. Whilst both appeals appear largely similar in size, scale and technology and whilst both would see digital adverts mounted on a steel plinth, Appeal A would see the blocking of the site frontage by fencing and would see the two digital displays being constructed slightly higher than the hoardings currently are.
12. Appeal B on the other hand maintains the same height as the current hoardings and would open up the site to the rear somewhat so that visibility between the site at the rear and Town Row is improved.
13. In assessing these matters I give great weight to the Council's Policies PG3 of the Birmingham Development Plan 2017 as well as Policies DM2 and DM7 Development Management in Birmingham DPD. These policies reflect the National Planning Policy Framework (The Framework) in seeking to reinforce a high quality of design that enables safe and high quality areas to be maintained or created.
14. I consider firstly that there would be some impacts through both appeals through the added luminescence of the displays and the increased depth of the panels. In both cases therefore some modest harm would occur to the streetscene, especially at night when the signage would have the potential to add more clutter into the street through the introduction of two more such digital signs.
15. In assessing Appeal A moreover, I consider that the continued blocking of the site frontage through the proposed fence together with the raise in height of the proposed signage would result in a scheme that ultimately fails to significantly enhance the current situation. Even though the two centre hoardings would be replaced, this benefit is compensated for through the raising in height and added prominence of the proposed signs, as well as the proposed fence that would retain a harmful sense of enclosure over the street here. Therefore, I consider that there would be harm through this proposal to the overall amenity of the area and as such the above policy requirements are not addressed.

16. Appeal B essentially retains the general size, scale, form and positioning that currently exists with the exception of the advert being set on a steel plinth, being of an increased depth and of a digital format. For much of the time however, Appeal B would appear very similar to the existing situation with the added benefit of having updated the existing billboards and having removed a substantial area of signage. Therefore, I consider that the benefits of removing the existing signage and the design in Appeal B outweigh the modest harm through both cumulative impact, increase in depth and luminescence of the proposed signs.
17. I also consider that the temporary time period of five years for these hoardings would allow the signs to be removed should suitable regeneration occur within this time and the character of the street here necessitate their removal in the future.
18. In light of this although I consider that both of these appeals would in some way improve the amenity of the area through the removal of the existing hoardings, Appeal A would be unacceptable due to its proposed increase in height and fence structure along this important street frontage. However, I consider that Appeal B would be an appropriate temporary use of this site and would allow the above mentioned visual improvement to occur whilst not substantially changing the current situation with regards the two larger advertisements.
19. As such I consider that there would be an overall benefit in securing a modest improvement to this site and as such consider that Appeal B would suitably comply with the requirements of the above policies.

Conclusion and Conditions

20. The Appellant has suggested a number of elements of the proposed scheme to be controlled by non-standard conditions in the event that the appeal was to be allowed. The Council has not suggested conditions but has had an opportunity to offer their views on these aspects. I consider the suggested conditions therefore to be reasonable and necessary in the interests of managing the visual impact arising from the digital advertisements.
21. For the reasons above, taking into account the particular criteria of this proposal, I dismiss Appeal A but allow express consent to be given for Appeal B subject to the standard conditions set out in the Regulations. As such I conclude that the digital advertisements would not conflict with the Framework or the PPG and therefore express consent is granted subject to the details contained within Appeal B.

A Graham

INSPECTOR