



Appeal Decision

Site visit made on 20 February 2023

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/P4605/Z/22/3301942

Pershore Road, Cotteridge, Birmingham, West Midlands B30 3DL

- 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 Network Rail against the decision of Birmingham City Council.
 - The application Ref 2022/02032/PA, dated 4 March 2022, was refused by notice dated 3 May 2022.
 - The advertisement proposed is described as "Removal of existing 1.no externally illuminated 48 sheet advertisement board, and replacement of existing 1.no externally illuminated 48 sheet advertisement with 1no. 48 sheet digital LED advertisement display."
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Decision

1. The appeal is allowed, and express consent is granted for the removal of existing 1.no externally illuminated 48 sheet advertisement board, and replacement of existing 1.no externally illuminated 48 sheet advertisement with 1no. 48 sheet digital LED advertisement display at Pershore Road, Cotteridge, Birmingham, West Midlands B30 3DL in accordance with the terms of the application, Ref 2022/02032/PA, dated 4 March 2022. The consent is subject to the five standard conditions set out in the Regulations, and the following additional conditions:
 - 1) The advertisement hereby granted consent shall only display static images and shall include no moving or flashing elements.
 - 2) The intensity of the luminance of the advertisements hereby granted consent shall be no greater than 600 candela per square metre during daylight hours and shall be no greater than 300 candela per square metre during evening and night-time hours. The adverts shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 3) The advertisement hereby granted consent shall not be illuminated by flashing or intermittent lighting.
 - 4) The minimum length of time for each display shall be 10 seconds and the time interval between successive displays shall be no greater than 0.1 seconds with no fading, swiping or other animated transition methods between successive displays.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. At present, the appeal site has four illuminated 48-sheet posters sited close to one another, facing north- and southbound traffic on both sides of the well-used Pershore Road. The proposal seeks to remove the externally illuminated poster facing northbound traffic and replace the internally illuminated poster with a digital poster at the same size and in the same location. The other two posters on the site are not the subjects of this appeal. In this location Pershore Road has a mixed commercial and residential character, and in both the immediate and wider area there are a number of advertisements of varying scales, levels and types of illumination. In that context, the appeal site is not atypical of the area around it.
4. Whilst I note the comments from the Council around the lack of any backdrop to soften the appearance of the proposal, I cannot ignore the existing situation or the net reduction in advertisements that would result from this proposal.
5. The Council's decision makes reference to the cumulative impact of new adjacent digital advertisements. Whilst I acknowledge this situation, again, I do not find that it would be so fundamentally different to the existing situation that it would cause harm to amenity.
6. Noting the lack of objection on public safety grounds, and having regard to the conditions proposed regarding illumination and other details, which will tightly control the operation of the advertisement, I do not find that the proposal would have any harmful effect on the amenity of the area.
7. I have taken into account the relevant development plan policies referred to in the Council's decision which seek to protect amenity through good design and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal would not conflict with these policies.

Conditions

8. In addition to the five standard conditions set out in the Regulations, I consider that it is necessary to attach the conditions set out above in order to clearly define and control the consent granted in the interests of amenity and public safety, in line with the comments of the Council. Whilst I note the Council has sought a condition listing the approved plans, I do not consider this to be necessary. I am therefore satisfied that the additional conditions I have imposed meet the tests in, and requirements of both the National Planning Policy Framework and the Planning Practice Guidance.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed, and express consent granted.

S Dean

INSPECTOR