



Appeal Decision

Site visit made on 9 May 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/P4605/Z/22/3310081

1894 Pershore Road, Cotteridge, Birmingham, B30 3AS

- 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 Wildstone Estates Limited against the decision of Birmingham City Council.
 - The application Ref 2022/05489/PA, dated 22 May 2022, was refused by notice dated 5 September 2022.
 - The advertisement proposed is erection of a replacement digital D-Poster advertisement
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Decision

1. The appeal is allowed and express consent is granted for the display of replacement digital D-Poster advertisement at 1894 Pershore Road, Cotteridge, Birmingham B30 3AS 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 additional conditions set out in the attached Schedule.

Preliminary Matters

2. The site address provided by the application form has been amended in subsequent documents. I have adopted the site address given by the appeal form accordingly as it reflects the location of the proposal before me.
3. 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 has referred to conflict with Policies PG3 and TP12 of the Birmingham Development Plan (2017) (BDP) and Policy DM2 of the Development Management in Birmingham DPD (2021) (DMDPD). I determine the appeal on that basis, taking the policies into account as material considerations in so far as they are relevant to amenity.

Main Issue

4. The main issue is the effect on amenity, including the setting of the nearby locally listed 1896-1898 Pershore Road (No. 1896-1898), a non-designated heritage asset.

Reasons

5. The appeal site lies in the Cotteridge Local Centre which comprises predominantly 2 and 3 storey buildings in commercial use. At my site visit I observed that this is a busy and vibrant commercial area which contains a number of advertisements, some of which were internally illuminated. The

appeal property is currently in retail use at ground floor level and has an existing trough-lit billboard advertisement with access gantry.

6. No. 1896-1898 is an imposing and attractive historic building, that is a non-designated heritage asset by virtue of its identification on a local list. I observed that its significance is largely derived from its architectural merit and linkage to former land use as a bank associated with the historic evolution of Cotteridge Local Centre. The prominent siting of No. 1896-1898 at a busy junction offers appreciation of that significance. However, when taking account of the separation afforded by an intervening access road, together with differences in architectural style and respective building lines, the presence of the appeal property and the existing advertisement facing its side elevation do not contribute to the significance of the non-designated heritage asset.
7. The proposal would replace an existing trough-lit advertisement with a digital 'D-poster' advertisement of the same size. The proposed display of itself would not have an adverse effect on the character and appearance of the area given the similar size, scale and siting of the billboard to be replaced.
8. The internally illuminated nature of the proposal with changing of static advertisements displayed would differ from the existing externally illuminated billboard and would likely draw the attention of road users and passers by to a greater degree. However, the prominence in this location would be reduced by the presence of other internally illuminated signs and street lighting in the immediate surroundings. In such a context, the advertisement display would not appear unduly prominent, dominant or out of place as proposed in this particular location. It would rather respond appropriately and assimilate with the existing modern commercial nature of the locality of Pershore Road, whilst not undermining the appreciation of the character, appearance and significance of nearby buildings.
9. It follows from the above, that I find no harm to amenity arising from the proposed advertisement display, including as part of the setting of the nearby non-designated heritage asset at No. 1896-1898 or other designated and non-designated heritage assets that are more distant from the site, including Cotteridge Church, the range of neo-Georgian shop buildings and the Grade II listed Kings Norton Fire Station beyond.
10. In reaching the above findings, I have taken into account that in addition to the standard conditions, the appellant has expressed a willingness to accept restrictions on the advertisement display which can be secured by conditions. These include: the use of a light sensor to restrict levels of illumination during hours of darkness to no greater than 300 candelas per sq.m (cd/m²) whilst responding to ambient light levels and not exceeding Institute of Lighting Professionals (ILP) guidance at any other time; static images to be displayed only (no moving or flashing images); advertisements to change no more frequently than once every ten seconds, and changes between adverts to take place instantly with no fading or other effects in order to reduce the effect of flashing images. Additional conditions in those respects are required to ensure that the advertisement display would assimilate appropriately with its commercial surroundings where a variety of advertisements are established features.
11. Having regard to all of the above, I conclude that the proposed advertisement display would not harm amenity. The proposal, therefore, does not conflict with

Policies PG3 and TP12 of the BDP, Policy DM2 of the DMDPD or the Framework in so far as they are material to such matters.

Other Matters

12. The Council have raised no specific issues in relation to public safety and I have no reason to disagree. The advertisement, although close to a busy roundabout would be located on the side elevation of a building and would not obstruct or impair sightlines when travelling on the westbound or eastbound carriageways along the A441 or when travelling on the southbound carriageway along the A4040. In reaching that view I have taken into account that necessary controls on levels of illumination, and the type and frequency of images displayed can be secured by conditions in the interests of highway safety to avoid glare, dazzle or undue distraction to passing motorists.

Conditions

13. As previously mentioned, conditions in addition to the five standard conditions set out in the Regulations are necessary in the interest of amenity and public safety. In that regard, the additional conditions necessarily imposed in the interests of amenity or public safety relate to: illumination levels to not exceed 600 cd/m² during daylight hours and 300 cd/m² during hours of darkness with a light sensor used to respond to ambient light levels and to not exceed the thresholds contained within the ILP guidance at any other time; controls on use of and type of static images with changes no more frequent than every ten seconds and no flashing or visual effects.

Conclusion

14. For the reasons given above, I conclude that the display of the proposed advertisements would not be detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

Nichola Robinson

INSPECTOR

SCHEDULE

CONDITIONS

- 1.) The intensity of the illumination of the advertising unit and display permitted by this consent shall be no greater than 600 cd/m² during daylight hours and no greater than 300 cd/m² during hours of darkness and the panel shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels. At no time shall the luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements (or any subsequent amendment/replacement to this guidance).
- 2.) The minimum length of time for each display shall be 10 seconds and the interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transactions) between successive displays.

- 3.) The advertisement hereby granted consent shall not be illuminated by flashing or intermittent lighting at any time (including, but not limited to: animation, flashing, scrolling, intermittent or video elements).

END OF SCHEDULE