



Appeal Decision

Site visit made on 19 April 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/P4605/Z/23/3336042

Odeon Cinema, 139 New Street, Birmingham, B2 4NU

- 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 Mr. Sam Harrison on behalf of King Media Ltd against the decision of Birmingham City Council.
 - The application Ref 023/07113/PA, dated 19 October 2023, was refused by notice dated 5 December 2023.
 - The advertisement proposed is Externally illuminated advertisement.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal building backs onto 1000 Trades Square which provides the pedestrian approach to the main entrance to New Street Station and associated Grand Central shopping complex. Although a gap above railway lines entering the station separates the building from the main square, it dominates views across the square. This is because of its slightly elevated position and the size of its rear elevation. It is constructed of red brick which stands out from the glass, concrete and modern cladding on buildings nearby, and the lighter brickwork on buildings within the Bull Ring Shopping Centre facing the square. The polished metal cladding on the station and Grand Central frontage acts as a mirror partially reflecting an inverted image of the appeal building wall thus extending its visual influence in the street scene. Its façade is relatively blank but its varied form, vertical lines of projecting brickwork and a diagonal line of windows add visual interest to it.
4. The proposed banner would measure approximately 18m x 6m. It would be made of woven polyester, set in a frame, and externally illuminated by 6 downward facing floodlights positioned along the top of the frame, which would be fixed to the outside of the building.
5. The Birmingham Design Guide - Streets and Spaces City Manual (2022) (BDG) restricts the installation of large banner advertisements to covering scaffolding associated with building works. The appeal building is not presently undergoing

any building work and there is no indication that there are planned works involving scaffolding. The proposal therefore conflicts with the guidance.

6. The advertisement would be substantially larger than another advert on the appeal building which advertises hot drink sales in the cinema. It would dominate the rear elevation covering over much of the features of interest described above. I saw no other external advertisements within the immediate area other than a letting sign on a shop. Instead, most adverts nearby are much smaller scale and confined to inside shop windows. Examples of external adverts elsewhere within the city centre, provided by the appellant, are smaller and less obtrusive. Overall, I consider the proposed advert would be visually intrusive, out of character and thus harmful to the visual amenity of what is an important and busy public space.
7. I therefore conclude that the proposed advert would harm the visual amenity of the area contrary to Policies PG3 of the Birmingham Development Plan (2017), Policies DM2 and DM7 of the Development Management in Birmingham Development Plan Document (2021), the National Planning Policy Framework (2023) and the guidance in the BDG which require adverts to be sympathetic in terms of their size, not to obscure architectural features and to contribute to attractive public spaces and protect amenity.

Other Matters

8. I have considered all other matters raised in support of the appeal, including its reduction in size from a previous application, its revenue raising potential and third party support. However, these matters do not outweigh my findings in respect of the effect of the proposed development on the visual amenity of the area.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR