



Appeal Decision

Site visit made on 12 March 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/P4605/Z/25/3358521

Land at Whitmore Street, Hockley Roundabout, Birmingham B18 5BB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Limited against the decision of Birmingham City Council.
 - The application Ref is 2024/03897/PA.
 - The advertisement proposed is the removal of one externally illuminated 96-sheet advertisement (approximately 12m x 3m) followed by the erection of one internally illuminated D200 advertisement (approximately 6m x 3m).
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Decision

1. The appeal is allowed and express consent is granted for the removal of one externally illuminated 96-sheet advertisement (approximately 12m x 3m) followed by the erection and display of one internally illuminated D200 advertisement (approximately 6m x 3m) on land at Whitmore Street, Hockley Roundabout, Birmingham B18 5BB in accordance with the terms of the application, Ref 2024/03897/PA, dated 14 June 2024. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 1) No individual advertisements displayed on the LED panel hereby approved shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs. No interactive messages or advertisements shall be displayed.
 - 2) No individual advertisements hereby approved shall be displayed for a duration of less than 10 seconds. Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel within a 0.1 second period and with no transitional effects.
 - 3) The display panel hereby approved shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 candelas/m² during non-daylight hours.
 - 4) No advertisements hereby approved shall be displayed between the hours of 24:00 and 06:00.
 - 5) If the approved installation breaks down or is otherwise not in use, it shall default to a black screen.
 - 6) The advertisement hereby approved shall not be displayed until the existing 96 sheet advertisement has been completely removed.

Preliminary matters

2. The 2007 Regulations govern the 'display' of advertisements. I have added this word to the description in the formal decision, for clarity. Notwithstanding the measurements set out in the description, the proposed advertisement would more accurately measure about 6.44m wide by 3.57m high, sitting on a base so that the overall height would be about 6.73m.

Main Issues

3. Advertisements are subject to control in the interests of amenity and public safety only. The main issues for this appeal are the effects of the proposed signage on:
(i) the visual amenity of the local area, including the local street scene and the settings of nearby listed buildings; and (ii) highway safety.

Reasons

Visual amenity

4. The existing advertisement hoarding sits on the northern side of a large urban roundabout, next to and below the A41 Hockley Flyover and more immediately next to a footway and pedestrian underpass. It is a large, externally illuminated sign that sits on top of an approximately 2½m high wall, giving it an overall height of around 5½m. The Council states that the only planning history for this sign dates back to 1995, but has produced no evidence to indicate that the existing sign is not authorised. The proposed replacement installation would be taller than the existing one, but much less wide. The proposed advertisement, like the existing one, would face towards the roundabout, backing onto a car park.
5. Digital LED signs like this have become a common feature of the urban scene. In this well-lit location, set back from the street and within an area dominated by roads and road paraphernalia, the proposal should not be visually intrusive or out of character so long as it is subject to appropriate controls. The reduction in overall size would more than compensate for the increase in height and the somewhat greater visual impact of the digital images compared to traditional signs.
6. There are 2 listed buildings nearby. The grade II* listed Icknield Street School is a substantial and impressive Victorian brick building. It sits well away from the proposed sign. The 2 structures could be seen in the same views from Heaton Street, but the sign would only be seen in the distance, where it would not stand out from the illuminated and visually cluttered roundabout. It would not appear on the skyline in those views. The Grade II listed William Mitchell Murals are located within the pedestrian concourse below the flyover, where they are visually separate from location of the proposed sign. The proposal's effect on the settings of these heritage assets would be neutral.
7. I conclude that the proposal would not harm visual amenity including the setting of nearby listed buildings. It accords in this respect with policies PG3 and TP12 of the Birmingham Development Plan (BDP), Policy DM7 of the Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (DMB), City Note SS-6 of the Birmingham Design Guide Supplementary Planning Document and the National Planning Policy Framework (the Framework), which aim to ensure that advertisements are suitably sited and designed to a high standard, protecting local character and heritage assets.

Highway safety

8. The Council's concern here is that the digital advertisement would be overly distracting to drivers. The proposed sign would be in full view of drivers using the roundabout and some of the streets, including Heaton Street in particular - as is the existing sign. The new sign would again be seen within the context of the lighting and other structures surrounding the roundabout. Subject to appropriate controls regarding static images, transitions, brightness and hours of operation, it should not be a distracting feature. One illuminated sign with still images would be replaced by another. Although the new sign would in some ways be more visible due to the changeover of images and the internal illumination, it would also be much smaller than the existing sign. It would not block drivers' views or form a direct background to street level activity.
9. I find myself in agreement with the Council's own Transportation Development officer, who raised no objection to the application subject to conditions. I conclude that, subject to appropriate controls, the proposal would not prejudice highway safety. It accords in this respect with BDP policy PG3, DMB policies DM7 and DM14 and the Framework, which aim to ensure that new development including advertisements does not have an unacceptable adverse impact on highway safety.

Conditions

10. The 5 standard advertisement conditions apply. Having regard to the comments of the Transportation Development officer and the appellant, I find that several additional conditions are necessary to minimise the impact on both visual amenity and highway safety. These need to limit the display to static images lasting at least 10 seconds each, with clean transitions, appropriate levels of illumination, the turning off of the display in late night/early morning hours and a default unilluminated black screen. Furthermore, in the interest of visual amenity, a condition is needed to ensure the full removal of the existing sign before the new sign is displayed. This is to make sure that parts of the existing sign could not be retained.

Conclusion

11. In making this decision, I have had regard to local and national policies. Powers under the advertisement regulations may only be exercised in the interests of amenity and public safety, however, taking account of material factors such as adopted policies - which are not by themselves decisive factors.
12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR