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## Appeal Decision

Site visit made on 4 November 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

**by R C Kirby BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 November 2019**

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**Appeal Ref: APP/G4620/Z/19/3236886**

**Land at Wolverhampton Road, Oldbury, B68 0NP**

- 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 Insite Poster Properties Ltd against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/19/6633A, dated 17 June 2019, was refused by notice dated 8 August 2019.
  - The advertisement proposed is described as 'Replacement of an existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display and removal of 1 No existing 48-sheet advertisement display'.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposed advertisement on public safety.

### Reasons for Recommendations

4. The appeal site is located on a strip of land adjacent to the A4123 (Wolverhampton Road), close to the busy intersection with the A456. The intersection is controlled by traffic signals. The site currently hosts six 48-sheet non-digital advertisements and is on the cusp of a predominantly residential area merging to development more commercial in nature. There is one digital advert display in situ, which faces south east and can be viewed when approaching up the hill to the traffic signals northwards on the A4123. There is also a prominent, large non-digital changing paper-based image advertisement situated close to the crossroads.
5. The proposal is for the replacement of an existing non digital 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display with a new static image materialising every 10 seconds; the interchange of which would be virtually instantaneous. The proposed advertisement would be set back from the position of the existing

- advertisement. One additional existing 48-sheet advertisement display would also be removed.
6. The Regulations state factors relevant to the assessment of public safety include the safety of persons using any highway<sup>1</sup>. The Planning Practice Guidance provides details regarding types of advertisements which may cause a danger to road users, highlighting externally or internally illuminated signs (incorporating either flashing or static lights) which because of their size or brightness could ... distract road-users, particularly in misty or wet weather, or those which are subject to frequent changes of the display<sup>2</sup>.
  7. The proposal would be located close to a public highway which has a significant flow of traffic and where drivers require focussed attention to safely navigate the changing and complex road layout. The proposed orientation of the advertisement would make it noticeable predominantly to motorists travelling in a southerly direction on the A4123. The advertisement would become visible to motorists where the carriageway is straight, just beyond the traffic signs and on the approach to the bend towards the junction.
  8. Whilst it is noted that advertisements are intended to attract attention, proposed advertisements at points where drivers need to take more care are more likely to affect public safety, for example, at junctions<sup>3</sup>. Although there is clear signage well in advance to guide motorist regarding the correct lane choice, with good visibility of the bend and vehicles decelerating on the approach to the traffic signals, this is a major junction with the added unpredictability of traffic crossing the carriageway. Particular focus is required by motorists close to the bend to ensure they observe the 'Keep Clear' area marked on the carriageway where vehicles are permitted to cross the road in both directions, and they select the correct lane for the three different potential routes.
  9. The proposal would differ materially from the existing advertisement in the locality and would introduce changing advertisement material. Although there is no clear evidence that the presence of advertisements in the vicinity of the new advertisement have contributed to traffic accidents nearby, the cluster of minor incidents recorded in and around the 'Keep Clear' area, close to the site, suggests that an increased level of attention is required by motorists in this area to avoid incidents. The introduction of a changing advertisement in this location would be likely to catch the attention of motorists at a time when they should be concentrating on the local highway conditions. This distraction would be likely to increase the risk of accidents at this busy junction of Wolverhampton Road with Hagley Road.
  10. I therefore conclude that, due to the nature of this junction and the siting of the proposal, that the proposed advertisement would have an unacceptable effect on public safety. Whilst the majority of incidents recorded to date in the locality are of a minor nature, this does not provide a justification for the siting of an advertisements which could contribute to further accidents.
  11. The imposition of planning conditions proposed would not address the identified harm to public safety.

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<sup>1</sup> Town & Country Planning (Control of Advertisement) (England) Regulations 2007 3(2)b

<sup>2</sup> Planning Practice Guidance Paragraph: 068 Reference ID: 18b-068-20140306 (d) iii & iv

<sup>3</sup> Planning Practice Guidance Paragraph: 067 Reference ID: 18b-067-20140306

### **Conclusion and Recommendation**

12. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

*A J Sutton*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and concur that the appeal should be dismissed.

*R C Kirby*

INSPECTOR