



Appeal Decision

Site Visit made on 8 June 2021 by John Gunn Dip TP, Dip DBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/G4620/H/21/3270372

J & P Lewis Metals Ltd, Birmingham Road, Oldbury, West Midlands B69 4ET

- 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 John O'Hara, Replyshort Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/6707A, received as a valid application by Sandwell Metropolitan Borough Council on 21 December 2020, was refused by notice dated 16 February 2021.
 - The advertisement proposed is Digital Matrix Screen measuring 6m x 3m.
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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 in this case is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

4. Birmingham Road (BR) is a dual carriageway. The carriageway in the immediate vicinity of the appeal site has a break in the central refuge enabling vehicles to turn into and out of Blakely Hall Road. Road hatching has been provided on the west bound carriageway requiring traffic to merge from two to one lane. This has facilitated the provision of a dedicated right turning facility at the traffic light junction for vehicles wishing to access the unnamed road to the west of the M5 flyover. In the immediate vicinity of the road hatching there is an individual vehicular access to a commercial premises and a bus stop.
5. BR has a 30 mph speed limit, with a good standard of street lighting for the majority of its length. The area immediately below the M5 flyover, where the advertisement would be displayed, was less well lit. There are double yellow lines on the west bound carriageway, with dedicated parking bays on the east bound carriageway fronting the terraced houses that lie a short distance to the east of the appeal site.
6. On my site visit, which I acknowledge only represents a snapshot in time, I noted that traffic was not heavy and was flowing freely. However, despite the 30 mph speed limit on BR, vehicles were speeding up and slowing down in

response to the signal controlled junction to the west of the appeal site. They were also slowing in response to traffic merging from the outside lane. In a small number of instances, I saw HGV's stay in the outside lane, despite the road hatching, thereby enabling them to complete a right turn at the traffic lights. It is likely that traffic volumes would increase significantly during rush hour periods.

7. I have considered the accident records provided by the Council for the period 2015 -2020 which indicates three incidents within the immediate vicinity of the appeal site, and three further cases that were more remote.
8. In all cases the severity of the accidents was slight. The evidence, which is not disputed by either party, shows that accidents within the immediate vicinity of the site were as a consequence of traffic merging, and in one instance as a result of a vehicle carrying out a "u" turn manoeuvre through the gap in the central reservation.
9. Whilst noting that BR has a slight curve in its alignment, the advertisement would be seen from some distance. However, having had regard to the National Planning Policy Guidance in addressing advertisements, I find that in this instance given it's siting, size and means of illumination, the advert would undoubtedly create additional potential for visual distraction of drivers. This would be at a time when other vehicles are slowing down, undertaking merging movements, manoeuvring around buses that are stopped at the bus stop, utilising the gap in the central reservation, or gaining access to or from the adjacent commercial premise. This could very well have severe consequences with potential collisions and injuries.
10. I acknowledge that given the nature of the road, and the volume of traffic it carries, that some accidents are likely to occur. However, the reported accidents occurred in the absence of the proposed advertisement. In light of the matters identified above, any increased distraction arising from the advertisement, would have the potential to increase the number and severity of collisions.
11. In light of the above I consider that the proposal would cause unacceptable harm to public safety and, insofar as it is material, would not accord with Policy SAD DM 2 of the Site Allocations and Delivery Plan Document (adopted December 2012). This policy, amongst other matters, requires applications for poster panels to be considered with regard to public safety, taking into account any potential impact on highway safety.
12. The proposal would also be contrary to the National Planning Policy Framework which seeks to prevent development that would result in an unacceptable impact on highway safety and supports well sited and designed advertisements.

Other Matters

13. I acknowledge that the advert would not harm the visual amenity of the area given the commercial nature of the surroundings immediately adjacent the appeal site. However, this matter does not outweigh the harm that I have identified with regards to public safety.

Conclusion and Recommendation

14. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of public safety and recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR