



Appeal Decision

Site visit made on 8 November 2021

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/V4630/Z/21/3279481

137-139 Stafford Street, Walsall, WS2 8EA

- 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 Richard Page (Insite Poster Properties) against the decision of Walsall Metropolitan Borough Council.
 - The application Ref: 20/0096 dated 21 January 2020, was refused by notice dated 9 June 2021.
 - The advertisement proposed is: Replacement of a 48-sheet illuminated advertisement display with a 48-sheet digital advertising display.
-

Decision

1. The appeal is allowed, and express consent is granted for the display of the advertisement]as applied for. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations.

Procedural Matter

2. The *National Planning Policy Framework* (The Framework) was revised in July 2021, after the application was determined, and I have had regard to it in my decision. However, the relevant paragraph, other than being renumbered, has not changed in content.

Main Issue

3. The Council says it is satisfied that there would be no harm caused to the character and appearance (amenity) of the area, and based on my own observations, I find no reason to disagree. The main issue therefore is the effect of the proposal on public safety.

Reasons

4. The proposal seeks to replace an existing externally illuminated 48-sheet advertising display with a 48-sheet digital display (6m x 3m) at the same site. The advertisements displayed would be illuminated, static, and two-dimensional, whilst incorporating an automated 10-second sequential update.
5. The display would be positioned at right angles to the highway, adjacent to the north-facing gable of No 143 Stafford Street. This section of Stafford Street is predominantly commercial in character and features a number of illuminated shop fascia signs and other traditional 48-sheet hoardings.

6. Powers under the Regulations¹ require decisions to be made only in the interests of amenity and, where applicable, public safety taking into account the provisions of the development plan so far as they are material, and any other relevant considerations. I have taken the Council's policies into account as a material consideration, but they are not a determining factor in this case, which I have considered in the light of the Framework, paragraphs 067-068 of the Government's *Planning Practice Guidance* (PPG), and the Regulations.
7. Paragraph 136 of the Framework says advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
8. More detailed guidance concerning public safety considerations are set out in the PPG. Paragraph 067 acknowledges that advertisements are intended to attract attention, but those at points where drivers need to take more care are more likely to affect public safety. The types of advertisement which may cause danger to road users are set out in Paragraph 068. These include internally illuminated signs (including those using LED technology) which it says may cause danger to road users where i) the means of illumination is directly visible from any part of the road; ii) where their colour could be mistaken for traffic lights or signals; iii) where their size or brightness could result in glare and dazzle or distract road-users; and iv) where there are frequent changes of the display.
9. I have been referred to saved Policy ENV36 of the *Walsall Unitary Development Plan* (UDP) which says the most appropriate locations for poster hoardings are likely to be in areas of mainly commercial character. Where a hoarding is acceptable in principle the policy requires a high standard of design and for the hoarding's scale to be appropriate to its setting.
10. The site is in close proximity to a standard road junction with a dedicated lane for traffic turning right into Croft Street, and there is a commercial access immediately to the north of the site. It is also adjacent to an uncontrolled pedestrian crossing with central refuge.
11. There is always the potential for a driver to be distracted by a digital display, but in this case, it would be positioned at a reasonable height above ground level and set back from the highway and would be visible over a moderate distance when approaching from the north. These factors should ensure that in order to view or glimpse the display, drivers are not required to turn their attention away from the highway and the prevailing traffic conditions.
12. Although Stafford Street is a fairly heavily trafficked road, it is not a complex or particularly challenging section of highway. The conventional road junction with Croft Street, the readily identifiable pedestrian crossing, and the adjacent commercial access means there is no necessity for a heightened level of concentration by drivers and pedestrians on the approach to and in the vicinity of the proposed display. It is a straight and level section of road, well lit, with a 30mph speed limit, and with good forwards visibility.
13. The Council says the 300m section of Stafford Street encompassing the appeal site has a poor safety record with 13 personal injury collisions over the past three years. However, evidence supplied by the appellant² sets out that there

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² CrashMap Incidents recorded 16 July 2021

were just four recorded incidents where there was potential for views of the (existing) advertisement, and three of those occurred in the northbound lane where an advance view of the advertisement is not possible. One incident is recorded in the southbound lane where views of the advertisement could occur, although the location was 75m to the north, opposite the junction with Proffitt Street. I consider there is nothing to be drawn from these recorded incidents to indicate that the proposed advertisement is at a location that is potentially dangerous, or where the digital display is likely to materially harm highway safety.

14. Overall, I conclude that the display of the advertisement would not be harmful to interests of public safety. I find no conflict with the Framework, the PPG, the Regulations, and saved UDP Policy ENV36 insofar as it is a material consideration. Therefore, for the reasons given above, the appeal should be allowed.

Nigel Harrison

INSPECTOR