



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: 19 November 2021

Appeal Ref: APP/V4630/Z/21/3278061

Zandi Tyres and Car Wash, Ward Street, Walsall, WS1 2AG

- 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 Graeme Hughes (Alight Media) against the decision of Walsall Metropolitan Borough Council.
 - The application Ref: 21/0312 dated 1 March 2021, was refused by notice dated 18 June 2021.
 - The advertisement proposed is: Replacement of and existing double-sided painted sign with a new double-sided 48-sheet digital LED advertising unit mounted on a pole.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although it differs from that given on the application form, I have taken the site address from that given on the decision notice and appeal form as it more accurately identifies the location.

Main Issues

3. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

4. Powers under the Regulations¹ require decisions to be made only in the interests of amenity and public safety. 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 National Planning Policy Framework (the Framework), the Government's *Planning Practice Guidance* (PPG), and the Regulations.

Amenity

5. The site is within the town centre boundary and has a mixed commercial/residential character including an adjacent car business, residential development to the north and east, and a superstore on the opposite side of Lower Rushall Street. The proposed sign would comprise panels set back-to-back facing north and south along Lower Rushall Street. It would replace a

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

much smaller non-illuminated painted sign advertising the business presently at this location.

6. Although 'amenity' is not defined exhaustively in the Regulations, in practice it is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. The advertisement would be located in a prominent position, highly visible from the surrounding area to road users, pedestrians, and local residents. In this context the proposed LED digital display would be far more conspicuous in the streetscene than the existing modest sign, causing it to appear visually incongruous and overly dominant within the surrounding area. I appreciate that this type of advertisement is commonly found throughout the UK, and whilst there are numerous other advertisements in the area, these tend to be smaller in scale generally related to associated business premises.
7. The sign's north-facing LED screen be seen mainly by highway users and would have limited impact on the amenity of occupants of residential property. However, some of the residential flats on the opposite side of Walhouse Road would face the south-facing LED screen across an area of grassed open space. Whilst the level of illumination would be within industry guidelines and would cause no significant further harm to the occupants from light pollution, the vivid display with changing images would nonetheless catch the eye and appear very prominent and intrusive when viewed from the windows facing towards the sign.
8. Thus, due to its scale and method of illumination, the advertisement would be a visually prominent and obtrusive feature that would cause harm to both the character and appearance of the area and the amenity of the occupiers of residential properties. As such it would conflict with Paragraph 136 of the Framework which says the quality and character of places can suffer when advertisements are poorly sited and designed, and with Policies ENV36 and ENV37 of the *Walsall Unitary Development Plan* (UDP) which say the most appropriate locations for poster hoardings/panel signs are likely to be in areas of mainly commercial character having regard to the prominence of the advertisement in the street scene and long views.

Public Safety

9. Lower Rushall Street is a feeder road that links the A4148 ring road with the A41 Birmingham Road and takes through traffic around the eastern part of the town centre. The advertisement would be located adjacent to an off-set junction of four roads, with a supermarket entrance almost opposite and pedestrian crossing nearby.
10. As set out in the PPG, all advertisements are intended to attract attention, but those proposed at points where drivers need to take more care are more likely to affect public safety. Among the main types of advertisement which may cause danger to road users it identifies those which might impair sight lines at junctions, those which could confuse or obstruct a road user's view or reduce the clarity or effectiveness of a traffic light or signal, and those illuminated signs which because of their size or brightness could distract road users, or which are subject to frequent changes of display.
11. Despite a low number of reported accidents, the roads adjacent to the site are heavily trafficked and the sign would clearly be located at a point where drivers

need to take more care. Although the roads are well-lit, and there would be good forwards visibility of the proposed sign, I do not agree with the appellant that there is nothing particularly complex or challenging about the roads in the vicinity of the site. On the contrary the area contains numerous traffic signals, road signs, and street furniture and is characterised by a dense highway network, and a somewhat complex road junction adjacent to the site.

12. The proposed large LED sign will undoubtedly add a further degree of driver distraction at a point of the highway network where there is a considerable amount of movement in terms of both traffic and pedestrians to the detriment road safety. For the above reasons I find on this issue that the proposal would be harmful to public safety.

Other Matters

13. The appellant refers to the Town Centre Area Action Plan which identifies the site and an area to the north as being suitable for development for offices and other town centre uses and appears to indicate that the Council consider the area suitable for more concentrated commercial uses. When the site is developed the appellant says there will be an opportunity to review the acceptability of the proposal within its new surroundings. However, there is no certainty that any redevelopment would take place within a 5-year express consent period, and I have not been made aware of any advanced detailed plans for redevelopment. Consequently, I afford little weight to the possibility of future commercial development and change in the character of the immediate surroundings in my consideration of this appeal.
14. The appellant refers to the aim of achieving sustainable development advocated in the Framework and suggests that the introduction of digital displays represents a sustainable form of development that is 'greener', more flexible, and more efficient than more traditional methods of advertising. However, these considerations do not outweigh the harm I have identified above.
15. The Council has drawn my attention to a fatal accident on Lower Rushall Street in the vicinity of the site which occurred after the date of the decision. However, I have no information facts concerning this incident, including which factors may have caused or contributed to it. Therefore, I consider it has no bearing on the merits of this appeal.
16. Whilst I have had regard to the appellant's suggested standard and non-standard conditions, these would not overcome the harm I have identified.

Conclusion

17. For the reasons given above, I conclude that the display of the advertisement would be detrimental to interests of amenity and public safety, and that the appeal should fail. It would conflict with the Regulations and the relevant advice in the Framework, the PPG, and the Council's policies, insofar as they are a material consideration.

Nigel Harrison

INSPECTOR