The Planning Inspectorate

Appeal Decision

Site visit made on 10 May 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/D4635/Z/22/3291866
Advertising Hoarding North of Junction with Great Bridge Road, Oxford Street, Bilston, WV14 7DP

- 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 Air Outdoor Media Limited against the decision of Wolverhampton City Council.
- The application Ref 21/01514/ADV, dated 29 October 2021, was refused by notice dated 9 December 2021.
- The advertisement proposed is the upgrade of the existing advertisement display with digital advertisement display.

Decision

1. The appeal is allowed and express consent is granted for the upgrade of the existing advertisement display with a digital advertisement display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions: -

   1. The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping or merging of images.

   2. The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.

   3. The intensity of the illumination of the advertising unit and display permitted by this consent shall be no greater than 300 cd/m^2 during the hours of darkness.

   4. The advertisement display panel shall be fitted with a light sensor to automatically adjust the brightness to reflect changes in ambient light levels.

   5. In the event of a malfunction, the advertisement screen shall have a default mechanism to display a black screen to avoid any flashing error messages or pixilation.

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.

Preliminary Matters

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice, which I note has also been adopted by the appellant in the Grounds of Appeal.

4. The Council has drawn my attention to the policies it considers to be relevant to this appeal. I have taken these into account as a material consideration where relevant. However, the powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach.

Main Issue

5. The Council has raised no concerns regarding amenity in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

6. The appeal site is located at a busy 3 arm traffic signal controlled T-junction with Great Bridge Road and the A41 Oxford Street. The site is currently occupied by a longstanding existing static advertisement display. The siting and orientation of the new digital display will not change from the existing static advertisement board. In the immediate vicinity of the junction, the prevailing character is primarily of an industrial and commercial nature albeit with some residential properties in close proximity.

7. On my site visit I noted that temporary traffic lights were in operation. However, the permanent lights, whilst switched off, could clearly be viewed in the context of the appeal site and my assessment has had careful regard to this relationship.

8. The siting of the advertisement, facing south, towards Great Bridge Road and the stretch of straight road leading to the junction, are such that it would be clearly visible for some distance to road users, thus avoiding the advert 'surprising' a road user. From my site visit I only observed one location near to the stop line where the offside traffic lights could be viewed against the backdrop of the advertisement. However, due to the clear sightlines of the junction and nearside, offside, and secondary traffic signals being clearly visible prior to reaching this conflict point, there would be ample opportunity for users approaching the junction to react to the traffic lights accordingly. A road user would either be slowing down or at a stop due to the lights being on red, or if on green, would be moving through the junction to turn right onto the A41 High Street. Therefore, I am satisfied that the proposed advertisement would not present any issues in relation to the safety of road users approaching from this direction. The detailed highway safety reports submitted by the appellant confirm this conclusion.

9. The Council asserts the digital display would be in the peripheral vision of a road user approaching from Oxford Street and High Street and this would be a distraction. However, the existing advertisement already provides a distraction and I have been provided with no evidence to show it would be any worse than

the existing situation. Moreover, for road users approaching the junction from Oxford Street it would be difficult to view the advertisement due to the oblique angle at which it would be experienced. For those road users approaching from High Street, it would not be in the immediate field of vision for those turning left on to Great Bridge Road or for users continuing straight ahead. Furthermore, there is no conflict with the traffic signals when approaching from the west and east arm of the junction. Factoring in all of the above, in combination with the very low number of traffic accidents at the appeal site, I consider that the proposal would not cause an increased risk to public safety.

10. Having had regard to the Planning Practice Guidance on advertisements, it is recognised that the changing nature of this type of digital display could be confusing and unduly attract the attention of drivers. However, from my own site observations and reviewing the detailed technical highways evidence submitted, I find it has not been demonstrated that there would be an increased risk to public safety in this context. Furthermore, with controls on its display, it would ensure that the proposal does safeguard public safety and not result in any undue distraction.

11. Accordingly, for the reasons outlined above, I find the proposal would not harm public safety. Although not determinative, where relevant to the appeal, there would be no conflict with policy ENV3 of the Black Country Core Strategy (2011) which requires proposals ensure a safe movement network, saved policies AM15 and EP19 of the Unitary Development Plan (2006), or the Supplementary Planning Guide (SPG) for Advertisements. These policies and guidance broadly require the proposal to not harm pedestrian or road safety.

Conditions

12. In addition to the 5 standard conditions, the imposition of the additional conditions as set out would be necessary and reasonable to safeguard public safety.

Recommendation

13. For the reasons given above, I recommend that the appeal should be allowed, subject to the conditions specified.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and subject to the conditions as listed, agree that the appeal is allowed.

Martin Seaton

INSPECTOR