



Appeal Decision

Site visit made on 25 July 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/Y3425/Z/23/3318358

Land To The Northeast Of Wolverhampton Road, Stafford ST17 4BN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Space Outdoor against the decision of Stafford Borough Council.
 - The application Ref 22/36212/ADV, dated 24 June 2022, was refused by notice dated 17 January 2023.
 - The advertisement proposed is replacement of existing externally illuminated poster advertisement display with internally illuminated D-poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is currently an externally illuminated advertisement hoarding at the appeal site. The appellant says that this has been in place since at least May 2009 and so it benefits from deemed consent as granted under the Regulations. The Council claims that between 2018 and 2021 the billboard was removed and replaced and that the replacement has never received advertisement consent.
3. It is not in my remit with this appeal to decide whether the existing sign is unauthorised. There is no information before me to indicate that the Council has sought its removal under section 225A of the Town and Country Planning Act 1990. In such circumstances, it is reasonable to assess the proposal on the basis that the hoarding would remain in place should the appeal be dismissed.

Main Issues

4. The Regulations confine the assessment of advertisements to issues of amenity and public safety. Development plan policies are only relevant considerations as far as they relate to such matters. The main issues in respect of this appeal are the effect of the proposed D-poster on (i) public safety, particularly in respect of highway safety, and (ii) on amenity with particular regard to the Forebridge Conservation Area (FCA), the Stafford Conservation Area (SCA) and nearby historic buildings.

Reasons

Public safety

5. The proposed sign would be to the side of a road with 3 lanes that forms part of the one-way Queensway Island gyratory system in the centre of Stafford. Near to the site traffic travels northwards and the proposed sign would be to

the east of the road. Just past the site, the lane on the left hand side leads traffic onto the A518. There are traffic lights to the south where Wolverhampton Road meets the Queensway Island and to the north where the A518 meets the gyratory system. On the opposite side of the road to the site is a retail park with vehicular access and egress points on the highway. My site visit can only provide a snapshot in time but I saw a fairly constant flow of traffic on the highway by the site. This is to be expected given that it is a main thoroughfare within the centre of a town.

6. Like the existing hoarding, the proposed sign would be seen by drivers approaching from the south including those waiting at the Wolverhampton Road traffic lights. Due to the orientation of the sign, the display would only be initially seen from the side before becoming more fully visible as drivers come up to and pass the site. Moreover, the sign would be very obvious for drivers leaving the retail park as it would be straight ahead.
7. To my mind, the D-poster would be located where drivers are required to take particular care. When approaching from the south, drivers need to ensure they are in the correct lanes to either continue on the gyratory system or to turn onto the A518. There are road markings at the traffic lights where Wolverhampton Road meets Queensway Island that indicate the correct lanes to be used. However, I saw that these cannot be read if there are vehicles waiting at the lights. There is a directional road sign indicating lane usage just before the A518 turn off but this cannot be read on the approach up to the Wolverhampton Road traffic lights. As such, I would envisage that drivers who do not know the local highway network may approach the traffic lights in the wrong lane and want to change lanes close to the appeal site in order to continue on their desired route.
8. Also, drivers leaving the retail park that wish to travel on the gyratory system need to cross the left hand lane to enter the central or right hand lanes. However, cars waiting at the traffic lights to the north of the appeal site may obstruct this manoeuvre and so would leave drivers who are not paying proper attention to leave the egress but block the left hand lane. Such situations would be more likely if drivers are distracted from the road.
9. Like all advertisements, the D-poster would attract attention and due to its proximity to the highway it is bound to distract drivers when approaching the site from the south and when leaving the retail park. In doing so, it would take drivers' attention away from the road, from the directional sign and the traffic lights to the north and from other vehicles. The sign may only draw attention for a short period of time. However, I am concerned that the distraction would unacceptably undermine highway safety as it would be at a point where there are significant levels of traffic movement and where it is likely that drivers need to change lanes.
10. The existing hoarding already draws the eye of drivers and the luminosity levels of the proposed display could be set so that it would be no brighter and so no more obvious than the existing sign. However, the D-poster's electronic image would change at frequent intervals, albeit instantaneously. Such changes in the display are more likely to draw drivers' attention compared to the existing static sign and so the D-poster would constitute a greater risk to highway safety than the current situation.

11. The appellant refers to a formula in guidance produced by Transport for London. This uses information on maximum sight distances and traffic speeds to calculate the optimum minimum display duration for electronic signage to reduce the risk of drivers seeing more than one image. However, in the proximity of the appeal site traffic is often not free flowing due to the traffic lights. Also, there is no information to suggest that the changes in the display can be timed so to only occur when drivers are unable to see the sign. As such, the appellant's evidence in these respects does not address my concerns.
12. There is no information that indicates the current hoarding has been the cause of road accidents and I note that there are other signs on nearby retail and commercial buildings. However, the D-poster would introduce a frequently changing image that would be unusual to the area. As such, it is likely to be a particular cause of distraction. I am referred to a number of other sites where similar installations have been provided with no meaningful effect on the number of road accidents. However, none of these schemes are in a similar location to the appeal proposal in terms of the nearby road layout, road signage, traffic lights and the egress from a retail park.
13. The Council refers to policy T2 of the Plan For Stafford Borough 2014 (the Plan) in support of its objections. However, this relates to the provision of adequate parking as part of new development and so it is irrelevant in the determination of this appeal. Even so, for the above reasons, I conclude the proposed advertisement would have a unacceptable harmful effect on highway safety and therefore on public safety.

Amenity

14. The appeal site lies on the outer edge of the FCA. This covers an area to the southeast of the town centre and its significance comes from the mix of older properties based around historic thoroughfares. The site quality appraisal plan in the Forebridge Conservation Area Appraisal 2013 defines the site as a neutral space, although advertisement hoardings are noted as being inappropriate in terms of the size and style to the FCA.
15. The proposed display would be the same size and in the same position as the existing sign. It would be internally illuminated rather than externally lit but the luminosity could be controlled so the display does not appear unduly bright. The D-poster would be unusual as the images would frequently change. Nonetheless the visual effect of the digital display on the character and appearance of the FCA would be similar to the existing hoarding. As such, it would have no meaningful additional effect on the historic or visual qualities of the FCA.
16. The boundary of the SCA lies just to the north of the appeal site. I understand that there is a general concern that the amount of unsympathetic signage has eroded the special historic and architectural character of the SCA. The proposed display would be seen when approaching the SCA and so it would affect its setting. However, it would again have a similar visual effect on the qualities of the SCA to the existing hoarding. Therefore, it would not be harmful in these regards.
17. I have been provided with the official list entry for the former surgery and attached screen wall at 1 The Green, a grade II listed building on the opposite side of the road to the appeal site. There would be views on Wolverhampton

Road where the D-poster and the listed building would be seen at the same time, although these would include the 3 lane highway in between. The former surgery gains its significance from its age and historic architectural features. These are best appreciated from the street directly in front of the building. The D-poster would not affect views of the former surgery from such vantage points and so it would not meaningfully affect the setting and significance of the listed building.

18. The Council submissions also refer to listed buildings to the east of the appeal site, although no details of these have been provided. In any event, the D-poster would not affect the settings of buildings to the east as it would be the same size as the existing hoarding. The Baptist Church to the northwest of the site is identified by the Council as a non-designated heritage asset. However, the proposal would not unduly affect the appreciation or views of the church and so I find no harm would be caused to its significance.
19. For the above reasons, I conclude the proposal would avoid harm to amenity through its effect on FCA, SCA and nearby historic buildings. As such, the D-poster would not conflict with the Plan policies N1 and N9 as far as they relate to the issue of amenity.

Other Matters

20. The proposal is part of a nationwide project to upgrade traditional hoardings to digital format. This will allow an overall reduction in the number of hoardings as multiple advertisement campaigns can be supported by each panel. Also, the project has benefits in terms of reducing the need for site visits and the use of printed paper. Furthermore, the D-poster could be used to broadcast emergency messages. However, under the terms of the Regulations, my assessment is limited to the matters of public safety and amenity. Therefore, these other factors have no influence on my determination of the appeal. In any event, these benefits do not override or address the harm identified in respect of the first main issue.

Conclusion

21. I have found that the proposal would not cause detriment to amenity but that it would harm public safety by prejudicing highway safety. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR