



Appeal Decision

Site visit made on 4 September 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/X3405/Z/24/3338526

Eastern way, Cannock WS11 7JZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (b) Ltd against the decision of Cannock Chase District Council.
 - The application Ref is CH/23/0398.
 - The advertisement proposed is the erection and display of two back-to-back freestanding 6 x 3 metre led digital display units for the display of static poster designs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to a policy it considers to be relevant to this appeal. I have taken this into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policy has not therefore, by itself been decisive. I have also had regard to the National Planning Policy Framework (the Framework) which seeks to prevent the negative impacts of poor advertisements.

Main Issue

3. Paragraph 141 of the Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account cumulative impacts. The main issues in this appeal are the effect of the proposed hoarding on the visual amenity of the surrounding area and on public safety.

Reasons

Amenity

4. The appeal site is part of a large roundabout. The area consists of a variety of uses that include retail, residential and industrial uses. Nonetheless, local built form is set away from the highways and the roundabout is enclosed by mature tree and hedge planting and wide grass verges. A small group of trees are also found within the centre of the roundabout. These green features and the absence of dominant built form create a strong sense of openness within a verdant setting. Accordingly, the appeal site, being currently an undeveloped

area of grass, makes a positive contribution to the character and appearance of the local area.

5. The proposed advertisement sign would be six by three metres in size, and mounted on two and a half metre high supports. It would directly address traffic arriving at the roundabout from the south and northern arms of the A460. Its side, and relatively slim view, would be seen from motorists arriving at the roundabout from both east and west along the A5190, although views from westbound traffic would be partially obscured by trees within the central island. As such the proposal would be highly visible to both oncoming motorists and passing pedestrians/cyclists.
6. Due to its height and position the advertisement boards would be in an obtrusive location and would not complement its immediate setting. These would not be framed by other built form or landscaping and would therefore fail to stand within a considered backdrop. Being a back-to-back design, the advertisements would be a freestanding feature with 360-degree visibility. This would draw unwelcome attention to it with a highly prominent position. In dominating local views, the advertisements would be strident. These would harm the existing open and landscaped setting in contrast with the visual amenity of the area.
7. The Government's Planning Practice Guidance (PPG) favours the location of large poster hoardings in industrial or commercial areas of a major city where it would not adversely affect the visual amenity of the area surrounding a site. However, the site is within a predominantly commercial or industrial area. The site is adjacent to the primary highway network, but its urban setting is limited due to the green and open character of the site. Advertisement signage can be seen close to the site. For example, the McArthur Glenn totem sign can be seen over boundary trees and a large sign announces the existence of the adjacent landfill site. However, these are within subdued settings that do not substantially intrude into views of the roundabout and do not create a setting where signage is dominant.
8. As such, the proposal would conflict with paragraphs 135 and 141 of the Framework. These require proposals to be sympathetic to the character of the local area and to consider the effect of advertisements on amenity. In accordance with the Regulations, I have also considered the development plan so far as it is material. The proposal would also fail to comply with Policy CP3 of the Cannock Chase Local Plan [2014]. This requires, among other matters, for development to complement the character of the local area and successfully integrate with existing tree, hedges and landscape features.

Public safety

9. The roundabout serves as a major highway feature at the intersection of the A460 and the A5190. It also includes a fifth arm that serves a landfill site and waste recycling facility. The roundabout is managed by signal controls. These control vehicle movements both onto the roundabout and through it. The roundabout is also served by footways and crossing points enabling easy movement for pedestrians and cyclists through the interchange.
10. The proposed advertisement would be located squarely within the horizontal field of vision of motorists approaching the roundabout from the northbound arm of the A460. It would stand between the foreground view of the traffic

lights of this arm and to the right of a distant traffic light within the same sequence and would change static images on a frequent basis. An advertisement in this location, and of this type, would present conflicting information to a motorist that could confuse approaching drivers. It would also distract drivers at a point where full attention should be paid to the traffic lights and the movement of vehicles and pedestrians ahead.

11. Furthermore, the distraction caused by the message boards would draw motorist's attention from the highway, even if only attracting their momentary attention as asserted by the Appellant. Such distraction could cause motorists to drift across lanes when moving through the roundabout, increasing the potential for collisions. Junctions and roundabouts present traffic hazards. The PPG is clear that drivers are expected to take more care in such locations, as public safety is more likely to be adversely affected. It is recognised that LED advertisements, including interchangeable images, would not necessarily be in itself harmful to public safety. It is also noted that the technology would not cause glare or dazzle. However, due to the location of the proposal the advertisements changeable images would increase the distraction caused by the proposal.
12. The north facing advertisement, visible to southbound motorists approaching on the A460, would be less distracting in views, being slightly outside the direct field of vision of approaching motorists. This would be unlikely to result in an unacceptable effect on highway safety. Nonetheless, the harm found due to the south facing advertisement is of sufficient magnitude to cause harm to public safety. Moreover, the use of conditions to control the rate of image change, the safe operation of the advertisements and level of luminescence would not materially address the identified safety concerns.
13. The appellant's submitted accident data demonstrates that the roundabout has been subject to two slight accidents and one serious accident over the five-year period up to 2022. This demonstrates that the roundabout is not an inherently dangerous section of highway. Also, my own observations have led me to conclude that the interchange seems to operate in a generally safe manner aided by the traffic light management system. Although the Appellant suggests that advertisements in similar locations as that proposed have not increased accidents, this assertion has not been supported by evidence. As such, based on the submitted evidence I have found that the existing safe operation of the roundabout would be eroded by the proposed scheme for the reasons stated.
14. Accordingly, the proposal would harm public safety in conflict with paragraph 115 of the Framework, requiring proposals to be refused if it would have an unacceptable effect on highway safety.

Other Matters

15. Evidence within the submission relates to approved advertisement signage within the local area, including those at Ridings Park, Eastern Way and 12 Mill Street. The Eastern Way advertisement whilst close to the appeal site and similar in size, is framed by a woodland and does not directly address queuing traffic, having a complementary visual relationship with the local area. Furthermore, the Ridings Park and 12 Mill Street advertisements are some distance from the site and in a different context. As such, being of a dissimilar character existing advertisements convey limited weight in favour of the proposal.

Conclusion

16. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR