



Tanworth-in-Arden
Solihull
Warwickshire

Mr Tom Phelan
Licensing Assistant
Bromsgrove District Council
Planning and Environmental Services
Planning Administration
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Wednesday 9 June 2010

Dear Mr Phelan,

**Application for a Street Trading Consent,
Bromsgrove District Council
David Alcock, 'Broad Lane', Branson's Cross**

I write in respect of the above application and the undated, hand delivered, letter of information sent to me by your predecessor, John Davies. I wish to make a representation on the basis that I am a resident in the area.

With regard to Section 4 of the policy, my principle objection to Mr Alcock continuing to trade at the stated location is encompassed within subsection (a) public safety, and also a number of the criteria contained in paragraph 4.2 of the information you enclosed.

I have lived in Blind Lane, Warwickshire, since 1975 and have a good general knowledge of the area and also a knowledge of the history of the locality over the last 35 years.

I have 35 years experience as a police officer, with part of that time engaged in public safety issues. I have a comprehensive knowledge of the causation of road traffic accidents, the investigation of accidents by the use of mathematics and road traffic legislation.

THE LOCATION

As you are no doubt aware, in the early 1970s the A435 (Birmingham to Evesham) Road was greatly modernised and made into a dual carriageway. Prior to that time the road from Hockey Heath to Beoley met the A435 at the crossroads where the *Cross and Bowling Green* public house is situated.

Broad Lane and Beoley Lane met at the Warwickshire boundary, adjacent to Blind Lane.

The slip road off the dual carriageway, where Mr Alcock trades, is referred to on maps as **Beoley Lane**.

The A435 has has a notorious history. There have been many motorist and pedestrian deaths at its junction with Beoley Lane. The road is marked with commemorative crosses, and annually, with bunches of flowers to denote the anniversaries of those who have lost their lives. If you require it, I can provide details of the deceased.

In 2000 a public meeting was held at the location to protest about plans to redesign the road following another pedestrian death. It was decided by the Highways Authority, which until recently had responsibility for the road, to seek to do everything possible to discourage persons on foot from being anywhere near the location, and a new footpath was built under the road bridge to seek to ensure pedestrians attempting to cross the road at that location be discouraged by all means.

Traffic uses the A435 at great speed, often in excess of 80 mph. The resultant crashes are spectacular and often involve many vehicles. The Highways Authority have acknowledged that the slip road that feeds traffic off the A435 onto Beoley Lane towards Hockley Heath would not be sanctioned for approval if it were being planned today. It is too short and often causes vehicles to overshoot into the hedge next to where the sandwich van presently trades. The overshooting is sometimes accompanied by a collision with a lamp post at the location. The lamp post has spent a long period of it's time felled and awaiting reinstatement.

A reflective barrier of 'turn left' arrow markings was instated there in 2000 in an attempt to help the situation. It has been demolished on at least three occasions to my knowledge. An illuminated 'keep left' bollard stands in front of the 'keep left' sign as a further warning of the sharp bend. The bollard has been knocked from its base on numerous occasions by cars overshooting the turn. At present it is lying on it's side after being the casualty in a recent collision.

When the location was a quiet crossroads, and for many years after the redevelopment, the field on the right when exiting the A435 was used to graze horses. Evidence of it's use remains in the form of animal shelters.

It was decided that the slip road would remain for most of its length as a two-way road to enable access into the field. Later when a water pumping station was built on land adjacent to the field, the two-way nature of the road enabled access to the facility from Broad Lane. Both the owner of the pumping station and the field have statutory rights to access their property under present regulations.

THE STREET TRADER

Mr Alcock tried various sites along the A435 before settling on Beoley Lane. Invariably the sites he chose showed no respect for his own or his customer's safety. They were an obvious danger to other road users. He has used the present site for approximately 18 months. He has erected numerous illegal road signs advertising his wares along the A435 and in Broad Lane in an attempt to generate business.

As you are aware, the the Traffic Signs Regulations and General Directions 2002 sets out the criteria for signs on the highway and local councils are firm in their rules relating to such illegal signs. Page 10 of *Worcestershire Highways Maintenance Policy* clearly sets out what the county will do if illegal signs are placed on the highway.

Under Section 224 of the *Town and Country Planning Act 1990* it is an offence for any person to display an advertisement in contravention of the regulations. The relevant legislation is contained in the *Town and Country Planning (Control of Advertisements) Regulations 1992*. Any person contravening the legislation is liable on summary conviction to a fine, currently not exceeding £2500. This was recently increased under the provision of the *Antisocial Behaviour Act 2003*. In the case of a continuing offence there is £250 for each day on which the offence continues after conviction. Under *Section 132 of the Highways Act 1980* it is an offence for any person to paint or in anyway inscribe or affix any picture, letter, or sign on the surface of a Highway, any tree, or structure without consent of the Highway Authority. If guilty of an offence the person can be liable to a fine of up to £1000, in the case of a second offence up to £2500.

Illegal road signs, placed in non-obvious locations at irregular heights **do cause distraction to road users**. Mr Alcock has placed numerous signs on the highway during his tenure at the location. The signs have attracted criticism, anger and calls for action from the local Parish Council and residents in the area. They have been removed by the council from time to time and Mr Alcock has always promptly replaced them. They have advertised illegal parking for HGVs, they contain opening hours for the business and are hand written and difficult to read. **They are undeniably a dangerous distraction.**

In the beginning, the signs were erected on the highway verge at below headlamp level. They were close to the road edge and affixed to sturdy scaffolding poles driven into the verge in such a manner as to cause a very serious multi-vehicle collision if a vehicle had hit one and been deflected back onto the carriageway. The signs have been attached to trees on private land adjacent to the highway, to lampposts, and on the public highway itself, attached to fences.

A year ago one such sign was affixed to the fence alongside the bridge where Penn Lane crosses the A435. The person fixing the sign advertising the 'Snax' van no doubt accessed the location via the embankment down from Penn Lane. The sign was removed by the authorities and was quickly replaced. After erecting the second sign at that location, the item was booby-trapped by having its edges painted with anti-vandal paint, a tripwire sited in the grass of the slope fixed between what looked like two tent pegs and the handrail down to the bridge was also coated in anti-vandal paint. Evidence of this remains today. If an accident were to occur on the A435 at this location, the handrail is to assist persons to leave the scene. This may occur during the hours of darkness. To coat it with sticky paint is a testament to the disregard he has for the safety of others.

After protestation through official channels by residents and the parish council, all of the signs were removed by council employees but the sandwich vendor replaced all of them overnight. Indeed, to observe some of the signs, it must be apparent that considerable effort has been employed in their erection. It is impossible to argue they do not represent a distraction and hazard for road users along this location. I have personally witnessed on several occasions, HGVs drifting in the carriageway when passing the signs, indicating to me the drivers are being distracted while trying to read them.

Mr Alcock sites his van on the opposite lane to vehicles leaving the slip road. Vehicles stopping to buy his produce park in the same lane. Often it is impossible for the owner of the field to access his property as the vehicles park

across the gateway to the field and indeed, on occasions, occupy the whole length of the lane.

He also used to place a large flag at the road edge of the A435 but has not done that in the recent past.

He has modified the verge (highway property) by clearing an area and putting down wood chippings. He sets out chairs for customers to sit on and has sited a portable toilet for customer use.

The toilet has been pulled over on several occasions, and at least twice pulled into the carriageway at night. The nearby public house is the scene of periodic rowdy behaviour and its patrons may have been responsible for this as a prank on their way home but nonetheless it represents a considerable danger to vehicles who exit the A435 at speed and turn the sharp bend to be confronted by the toilet on its side in the roadway.

The farmer who owns the field has complained about being unable to cut his hedge due to the presence of the toilet. When it is emptied periodically, a wagon **has to back up towards it** to suck out its contents. This involves the vehicle being parked briefly **across the entire slip road**. I have witnessed this on at least one occasion. The toilet should not be allowed to be sited there at all. It represents an environmental eyesore and tangible danger and was, I assume placed without permission.

Throughout the times Mr Alcock operates his vending operation, traffic of all sizes enter Beoley Lane from Broad Lane and drive along the opposing carriageway to the slip road traffic which they are legally entitled to do. They park, use the facility and then have to do what often amounts to a five point turn at a point just around the sharp bend for vehicles exiting the A435, to leave the location. They have no choice but to do this. Large articulated lorries also enter Beoley Lane from Broad Lane, but they have to reverse out. The two road signs have both recently been demolished, presumably by vehicles reversing at the location. One has been replaced, the other remains damaged.

The act of leaving the A435 to have a sandwich at the location and then rejoining the dual carriageway means that long vehicles have to cross Broad Lane. This has been the cause of a couple of accidents in the last two years. If the van did not trade there, long vehicles would not be executing the manoeuvre.

Persons who park for the sandwich van periodically walk across the dual carriageway to visit the garage on the opposite carriageway, which sells newspapers and a wide selection of personal and household items. This has also noticeably increased pedestrian traffic at this notoriously dangerous junction.

The lack of any apparent policing of the location(Beoley Lane), nor any carriageway signage has resulted, for the first time in thirty years, lorry drivers parking overnight at the location, again denying access to the owner of the field. The field has been littered with rubbish discarded over the hedge. The site has also become an occasional fly-tipping spot for builders' rubble, old carpets etc. You should have records of the occasions when this has had to be cleared away.

The act of lorries continuously stopping and pulling away from this location had damaged the road surface to the point when it became unusable. Again, records

at Worcestershire Council will show the date in the recent past, (and no doubt the cost) when this surfacing work had to be redone. All of the replaced kerbing has now been damaged by lorries visiting the sandwich van and parking overnight. I have counted 18 damaged kerbstones which had been replaced only a few months ago.

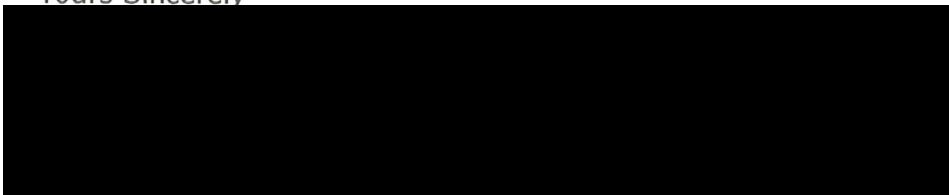
Articulated vehicles are also now starting to park on the southbound slip road onto the A435 in order that the occupants can walk to the sandwich van and therefore avoid the reversing manoeuvre. I have witnessed this recently on two occasions.

The slip road is in effect an important 'gateway' to the county of Warwickshire creating the first impression for its users, of illegal signage, an illegal toilet wedged in a hedge, a broken-up road surface, damaged road signs, vehicles executing dangerous turning manoeuvres, litter, fly-tipping and the smell of cooking fat. This occurs within 500 metres of residential dwellings.

The Highways Authority produced guidelines on what makes for an ideal rest stop but this location does not come close. This section of Beoley Lane should be designated and signed as a 'clearway' and access to the road from Broad Lane should be restricted to access for the field, maintenance such as hedge cutting and access to the water pumping station. More significant signage needs to be in place to discourage pedestrians from crossing the A435 at this point. Overshoot accidents should be monitored and consideration to the installation of rumble strips and or extending the slip road where it runs alongside the dual carriageway. Any form of enforcement to seek to keep traffic on the A435 to under 80 miles per hour would be welcomed.

In my opinion this is not, under any circumstances, a suitable location for food vending, toilet emptying, overnight lorry parking, fly tipping, litter dumping or any form of pedestrian presence whatsoever. This is a proven dangerous location with the potential for fatality and the presence of people on foot should be deterred at all costs. I ask you to very closely consider **rejecting the application** and for Worcestershire Highways to immediately designate the slip road as a clearway, as it has already done on the opposite carriageway.

Yours Sincerely



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Location: Beoley Lane

The location is Beoley Lane, not Broad Lane as mentioned on the application. The red circle shows the location of the trader who has been at this site for 2 years.



David Alcock: Illegal Signs

For two years the A435 has been plagued with an assortment of handmade signs that are distracting and unsightly and constitute a criminal offence under **Section 132 of the Highways Act 1980**. Below is a collection of the latest ones. Some 2 dozen have already been removed by the council and were replaced immediately by Mr Alcock. The signs are easily capable of causing an accident through distraction due their location and illegibility. Earlier signs also advertised car parking for HGVs. Presently 7 signs herald the approach of the 'Snax Bar.'

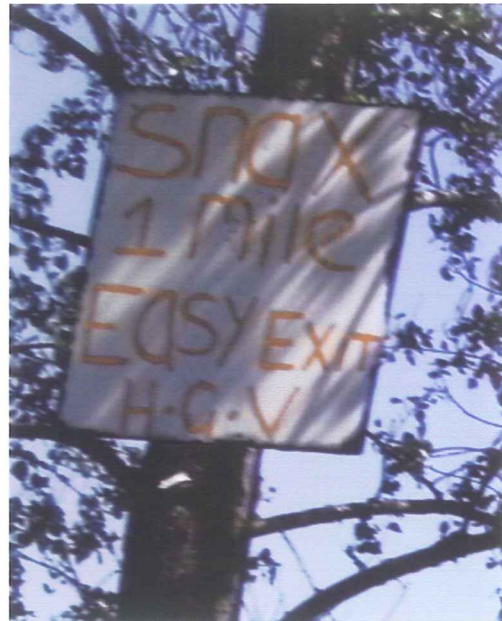


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David Alcock: Illegal Signs - Anti-Vandal Paint

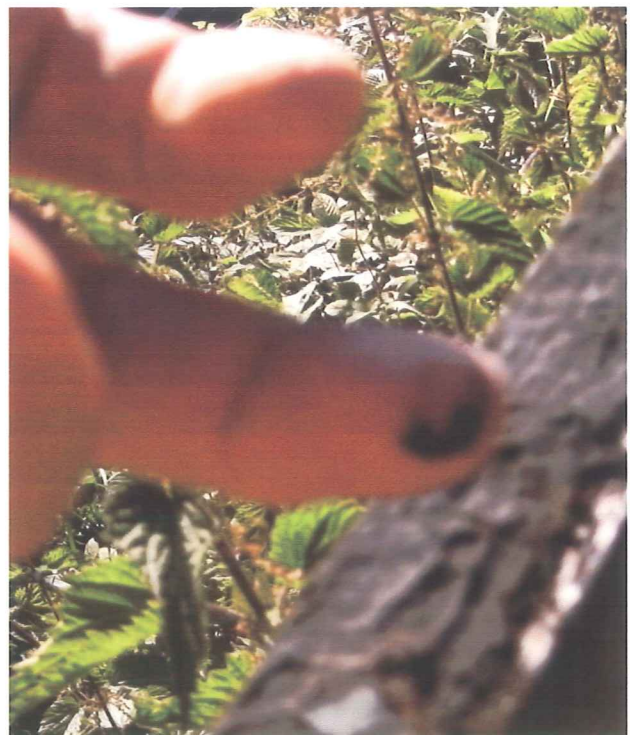
A number of the signs illegally placed on the highway are painted with anti-vandal paint to deter their removal. The sign shown to the right has the thick, sticky paint surrounding its perimeter.



David Alcock: Illegal Signs - Anti-Vandal Paint A435 - Penn Lane Bridge



For some months, Mr Alcock displayed a sign on a wooden fence alongside the bridge over **Penn Lane**. In addition to the edges of the sign, anti-vandal paint was also applied to the top hand rail of the fence. In the event of an accident close to the bridge, motorists would need to use the hand rail to assist themselves to leave the carriageway. No doubt the person fixing the sign wanted to deter its removal, but also created a hazard by vandalising the fence. Although the sign has gone, the hand rail is still painted with the sticky gunk.



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David Alcock: Environmental Issues - Gateway to Warwickshire.

The presence of Mr Alcock's sandwich van has resulted in a blight on the area. This important gateway to the county of Warwickshire now bears numerous scars and the van, portable toilet, plastic chairs, fly tipping, damaged road surface and kerbing, hedges blown with litter and damaged road signs create a very negative first impression for travellers entering the county and the prestigious village of Tanworth-in-Arden.

Beoley Lane is a two way road for part of its length to permit access to a farmer's field and a water pumping station. It should be a clearway, other than for this essential access.

This unsightly scene is only 500 metres away from residences.



The road surface was repaired as recently as 6 months ago after being chewed up by lorries pulling away from the location. The new kerbing is, in almost every instance smashed as a result of the lorries driving onto the verge. The toilet is often pulled over and left in the road.

Two signs at the Broad Lane end have been damaged due to lorries reversing.



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David Alcock: Dangers created by the presence of street trading.

The A435 at this location is a very fast moving dual carriageway. Traffic regularly travels in excess of 80 mph. When accidents occur they usually involve excess speed and result in multiple pile-ups and death.

This particular location is notorious for deaths of pedestrians due mainly to the presence of a petrol station on the opposite carriageway that sells almost every amenity.

In 2000 after a spate of deaths and serious injuries, the highways authority sought to remove the presence of persons on foot by closing an opening in the crash barrier on the central reservation and constructing a footpath under the road.

Vehicles exit the A435 too fast and often crash at the end of the slip road. Road signs seeking to slow down motorists were placed at this location in 2000.

The presence of the sandwich van and toilet puts persons on foot at this dangerous stop that would otherwise not be there and encourages pedestrians to cross to the garage.

Beoley Lane is a two way road for part of its length to permit access to a farmer's field and a water pumping station. It should be a clearway, other than for this essential access.

Road signs and the lamp post at the location are regularly hit by speeding motorists who overshoot the end of the slip road.



Vehicles visiting the vendor regularly enter from Broad Lane and have to do 3 or 5 point turns to exit. Lorries often reverse out and damage signs

