
Appeal Decision

Site visit made on 10 July 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2017

Appeal Ref: APP/W4223/Z/17/3173015

Gable, 243 Oldham Road, Royton OL2 6BB

- 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 Richard Page on behalf of Insite Poster Properties Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/339476/16, dated 7 December 2016, was refused by notice dated 6 February 2017.
 - The advertisement proposed is replacement of an existing illuminated 48-sheet advertising display with an illuminated 48-sheet digital LED display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council's reason for refusal relates specifically to matters of public safety and does not refer to policies of the development plan. I determine the appeal on that basis.

Main Issue

3. The main issue is the effect on public safety, with particular regard to matters of highway and pedestrian safety.

Reasons

4. The appeal site consists of a building located on the eastern side of Oldham Road in close proximity to a signalled pedestrian crossing, within a wider setting of predominantly residential properties with the intermittent presence of commercial buildings and uses. The proposed internally illuminated 48-sheet advertisement consisting of an LED screen with images changing at intervals would be located on the southern side elevation of the building. It would replace an existing externally illuminated signage board of similar proportions that consists of a static advertisement, which the appellant indicates has deemed consent. Due to the position and orientation of the building and siting of the LED screen, it would be seen by pedestrians and road users approaching from a southern direction along Oldham Road (A671).

5. The PPG¹ states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The PPG does advise that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline, as would be the case with the proposal before me. However, the PPG² also lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which because of their size or siting would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.
6. The proposed sign would be exactly the type of advertisement referred to above. However, the guidance in the PPG relating to advertisements in terms of public safety does not, in itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety. The individual circumstances of the site and its surroundings are, therefore, necessarily considered.
7. Oldham Road has a relatively straight alignment as it passes the site with a gentle downward slope in a northward direction and a 30mph speed limit. The road has a single carriageway in each direction with footways, street lighting and includes a hatched central area to the north for right turning vehicles. On-street parking is restricted close to the site, but is only prevented further to the south along the eastern side of the road during early morning and evening rush hours. The road is heavily used and the appeal site, in addition to the nearby pedestrian crossing, is close to an access to commercial premises immediately to the north, nearby junctions with Beswick Street and Jones Street on the opposite side of the road and bus stops to both carriageways.
8. Having driven along the road in the late-morning, the access and junction arrangements require concentration with due care and attention for other road users, especially for motorists unfamiliar with local highway conditions, due to the presence of the pedestrian crossing together with vehicles overtaking parked cars, buses and changing lanes to turn right. In that context, the LED screen would be viewed as part of the background to one of the traffic signals that serves the pedestrian crossing.
9. The introduction of an internally illuminated LED 48-sheet sign, displaying a variety of static images changing at intervals, would draw the attention of motorists to a significantly greater degree than the existing externally-illuminated static sheet sign that it would replace and other signs within the area. The sign would not obstruct visibility from existing accesses. However, due to its siting, size, internal illumination and frequent changes of display it would draw the eye of motorists at moments when road users are required to exercise care and attention to safely negotiate a busy stretch of highway. In that context, the proposal would unduly distract and confuse a road-user's view when travelling in a northward direction along Oldham Road and would reduce the clarity of an existing traffic signal resulting in an increased risk of accidents, including with pedestrians. The proposal would, therefore, have an

¹ Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

² Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

unacceptable impact upon highway and pedestrian safety, which reflects harm to public safety.

10. In reaching the above findings, I have taken into account that the appellant has provided evidence based on the location and causes of road traffic accidents in the local area within the last 5 years that they were not influenced by the presence of the existing sign. Nevertheless, the absence of previous accidents arising from an existing advertisement is not justification for an alternative form of advertisement that would result in an increased risk of accidents. The harmful effect of the proposal would not be mitigated by conditions suggested by the appellant in terms of illumination levels, frequency of changes of display, restrictions on special or visual effects and intervals between successive displays.
11. The Council raises no issue in relation to amenity. From the submitted evidence and my observations of the site and the area, I have no reason to disagree. No examples of similar internally illuminated LED signs were visible in the immediate locality at the time of my visit. However, a number of 48-sheet advertisements were evident, together with a range of other illuminated and non-illuminated advertisements to nearby buildings and in the wider area including fascia, projecting, hanging and free-standing signs. In such circumstances, where a range of different advertisements are a common feature, the proposal would not harm the character and appearance of the area. Nevertheless, the absence of concern in terms of amenity is a neutral factor.
12. I conclude that the advertisement would harm public safety, due to the unacceptable impact upon highway and pedestrian safety identified. The proposal, therefore, conflicts with the Framework and PPG in that respect.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR