



Appeal Decision

Site visit made on 10 March 2020

by M Madge Dip TP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/W4223/Z/20/3245615

B and M Bargains, Ellen Street, Oldham OL9 6QR

- 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 Chris Welbourne against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/343473/19, dated 7 June 2019, was refused by notice dated 2 December 2019.
 - The advertisement proposed is 1no. 48 sheet freestanding digital advertising display unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on public safety.

Reasons

3. Planning Practice Guidance suggests that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality. Where drivers need to take more care however, advertisements can affect public safety.
4. The surrounding area is commercial in nature. The advertisement would be sited in front of an existing retail store and adjacent to the end of a slip road. Traffic on this slip road would be leaving Featherstall Road North and would be merging with traffic on Chadderton Way, a dual carriageway. I saw during my visit that the speed limit imposed here is 40 miles per hour.
5. Paragraph 67¹ of the Planning Practice Guide sets out examples of situations where drivers need to take more care. This includes "where local conditions present traffic hazards". Adjacent to the end of a slip road, where traffic is travelling at speed and vehicle lanes are merging, would represent such a situation.
6. While only static images would be displayed, the size and change of image every 10 seconds, would create a relatively unusual and arresting visual feature beside this junction. This would strongly compete for drivers' attention when they are trying to join the dual carriageway or for drivers on the dual

¹ ID 18b-067-20140306

carriageway itself. This could lead to manoeuvres taking place without the full attention necessary by drivers on either the slip road or the main carriageway, which would pose a significant risk to highway safety.

7. I have had regard to the accident statistics provided, and I note the appellant's findings, demonstrated by the Crashmap plan, which suggests these accidents were not associated with this part of the road network. This does not however change my findings that the advertisement would pose a significant risk to highway safety.
8. The proposed siting, size and moving imagery of the advertisement could result in drivers being distracted at a time when they need to take more care. For this reason, the proposal would be contrary to the provisions of paragraph 132 of the National Planning Policy Framework. In accordance with the Regulations, I have taken account of the provisions of the development plan in so far as they are relevant. Policies 9 and 20 of the Oldham Local Development Framework Joint Development Plan Document seek to secure environmental quality and public safety. I have concluded that the advertisement would harm public safety, and therefore the appeal proposal conflicts with these policies.

Other matters

9. Outdoor advertisements can be a prominent feature of modern society and they can play an important commercial role. The form of advertisement proposed may also be common along some arterial roads in major towns and cities. I also noted the presence of a number of illuminated signs within the area, but my decision is based on the specific circumstances of the road layout directly associated with the advertisement proposal before me. These factors do not however outweigh the harm to public safety that I have identified.

Conclusion

10. For the reasons set out above the appeal is dismissed.

M Madge

INSPECTOR