



Appeal Decision

Site visit made on 3 August 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/W4223/Z/20/3255362

7 Elk Mill Central Retail Park, Broadway, Royton OL2 5HX

- 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 L Knaggs, on behalf of Wren Kitchens, against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/344011/19, dated 7 October 2019, was refused by notice dated 15 June 2020.
 - The development proposed is Scanlite Digital Electronic LED Full Colour Ticker Display to advertise special offers, sales etc. Full colour, variable text, images.
-

Decision

1. The appeal is allowed and express consent is granted for the display of advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed advertisement on highway safety.

Reasons for the Recommendation

4. The Planning Practice Guidance (PPG) 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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline¹.
5. The appeal site is located within an established retail park. The proposed advertisement would be attached to the front elevation of the retail unit and would be used to advertise special offers in store. The retail park is adjacent to

¹ Paragraph: 067 Reference ID: 18b-067-20140306

- a slip road associated with the A627M. The highway is part of the Boroughs strategic network with high traffic flows and links to the M60 and M62 motorways.
6. Highways England did not object to the application. In contrast, the Council's Highways Officer recommended that the application should be refused as they considered that the signage would pose a distraction to drivers and have a detrimental impact upon highway safety. The appellant has referred to research, and TFL guidance, in support of the appeal to demonstrate that advertising displays do not unduly distract drivers.
 7. Paragraph 109 of the National Planning Policy Framework (the 'Framework') states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 8. I noted on my site visit that the advertisement would not be visible from the motorway given the siting of the retail unit but would to a degree be seen from the slip road. Although drivers could be travelling at speeds of up to 70mph at this location it is likely that they would be driving slower due to the warning sign associated with the traffic lights and roundabout sign. Drivers would naturally be slowing down on the approach to the signalised roundabout.
 9. The Council states that they have taken measures to ensure that the number of accidents on this strategic route are low. However, they have not detailed what these measures include. The appellant has submitted evidence demonstrating that in the last 10 years there has been no accidents along the stretch of the slip road from where the signage would be visible. The accidents shown on the map relate to the roundabout. By the time vehicles reach the roundabout the sign would already be behind them and it would not be conspicuous at the approach to the junction.
 10. The appellant has highlighted that at the point where the sign would be first visible it would be located approximately 130 metres away at an angle of 42 degrees from the road line and direction of travel. They go on to state that at its closest, it would be 90m away and at an angle of 90 degrees. Thus, although the retail unit faces towards the slip road, drivers would not naturally look towards the sign given the direction of travel and they would be primarily focusing on the roundabout. Additionally, there would be a large gap between the proposed advertisement and the slip road.
 11. The retail park contains many other advertisements which are visible from the slip road. The proposed advertisement display would appear modest in comparison to the established signs. The retail park also contains large warehouse style buildings and is also characterised by trees, grass verges, fencing, lighting and parked cars. Thus, there are already many elements which could draw the eye. The sign would appear relatively subservient from the slip road because it would not be seen in isolation and would be seen in the context of numerous features.
 12. Accordingly, as a result of the advertisement's relationship with the slip road, its size and other features within the context of the site, I find that the scheme would not distract drivers or increase the risk of accidents.

13. The Highways Officer has referred to an appeal dismissed a number of years ago. The information regarding the dismissed appeal is extremely limited, therefore it is difficult to compare it to the proposal before me. In any event, I have determined the appeal scheme on its own individual planning merits.
14. For the reasons given above, I find that the proposed advertisement would not have an unacceptable impact upon highway safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not have unacceptable impact upon highway safety, the scheme would meet with the aims of Policy 9 of the Oldham Local Development Framework: Development Plan Document- Joint Core Strategy and Development Management Policies (2011) and the Framework.

Conditions

15. The Council has indicated on the appeal questionnaire that they do not consider that any conditions other than the five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that the appeal is allowed and express consent as applied for is granted. The appellant also has not suggested any further conditions. Therefore, based on the evidence presented, I consider that no further conditions are necessary.

Conclusion and Recommendation

16. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed subject to the five standard conditions.

Chris Preston

INSPECTOR