



Appeal Decision

Site visit made on 22 September 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/W4223/Z/20/3257647

The Motor Finance Group, Shaw Road, Oldham OL1 3HZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Malik Hussain on behalf of Mayfair Properties (Manchester) Ltd against the decision of Oldham Council.
 - The application Ref AD/344807/20, dated 29 April 2020, was refused by notice dated 13 July 2020.
 - The advertisement proposed is replacement of existing 1 x 48 sheet externally illuminated advertisement hoarding with 1 x 48 sheet freestanding digital advertising display unit.
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Decision

1. The appeal is dismissed.

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 main issue is the effect the proposed advertisement would have on public and highway safety in the area.

Reasons for the Recommendation

4. The display would be located along Shaw Road in Oldham on the south east side of the junction of Shaw Road and Arnold Street where there is an existing 48 sheet externally illuminated advertisement hoarding. The digital advertisement would first become visible to drivers on approach from the south east on Shaw Road and from the south on Brook Street. Drivers have to negotiate turning into Brook Street from Shaw Road and vice versa. The advertisement would also be right next to the junctions with Arnold Street and Spencer Street. Vehicles exiting those streets could be aiming to merge onto Shaw Road, or to cut across the main highway onto the opposing side streets. Multiple movements are likely and the arrangement of the three junctions, slightly staggered from one another, creates quite a complex road layout where drivers undoubtedly need to exercise caution and have heightened awareness.

5. There is a relatively large volume of vehicular and cycling traffic at these junctions, as observed during my visit to the site and also demonstrated in the appellant's submission of Annual Average daily flow on Shaw Road¹.
6. The appellant contends that drivers would be able to glance at advertisements without distraction from road or traffic movements. However, the digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or cyclists. Given the location of the advertisement facing oncoming traffic at a sensitive point in the highway I find that there is a reasonably likelihood that drivers would be distracted in trying to figure out the advertising content as they approach, and the changing sequence is likely to draw more focus.
7. The appellant argues that the 10 second timing is an industry standard and is considered acceptable for urban locations. However, even though the display would not show moving images and the change in specific images would be instantaneous, the rotation of advertising for different products has more potential to catch the eye of a driver than the current fixed display. There is clear potential for a driver travelling in a north-westerly direction on Shaw Road towards the complex junctions with Brook Street, Spencer Street and Arnold Road to be momentarily aware of a changing image. Even a fleeting and inadvertent glance across at the display to register the change could have negative consequences in terms of the impaired ability to notice traffic pulling out of a junction ahead or slowing down to turn into one of the streets off Shaw Road.
8. Whilst the appellant has referred to guidance to suggest that digital displays are not inherently more hazardous than fixed displays², the full content of that guidance has not been provided and, in any event, my concerns do not relate to an inherent danger but one related to the very specific nature of the location and the position of the display at a sensitive location on the highway. I find that the proposal would be more noticeable and more distracting than the existing fixed illuminated display at a point where drivers need to exercise heightened road awareness.
9. Even though traffic speeds are limited in the locality, vehicles will still travel at speeds that could cause injury or worse to pedestrians or other road users. Thus, the proposed illuminated 48-sheet digital advertisement display is likely to have a negative effect on public and highway safety along this section of Shaw Road. Though the Crash Map³ provide by the appellant indicates a few examples of a few slight accidents on Shaw Road as compared to the volume of traffic, this statistic is likely to be exacerbated due to increased driver distraction by virtue of digital display.
10. The appellant has also provided two examples of digital advertisement located in the neighbouring authority area of Manchester City Council, which they contend mirror the Appeal site in terms of display units of similar dimensions and landscape orientation, and which exhibit the same operational characteristics of digital illumination and static images. These examples are supported by Crash Map road accident statistics, which appear to show that the

¹ Appellant's Appendix 14

² Transport for London guidance document entitled "Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013)"

³ Appellant's Appendix 13

accident levels before and after the installation of the digital displays have remained at a fairly consistent rate, and therefore it is inferred that they have not had a negative impact on road safety in the surrounding areas.

11. However, from the limited information the road junctions do not appear to be directly comparable. The image of the Rochdale Road site shows a much wider highway including bus lanes, with two side streets directly facing each other at the intersection, unlike the staggered and more complex junction arrangement at the appeal site. The Oldham Road site appears to be a traffic light-controlled junction where turning to and from the main highway will be regulated in a different way to the junctions at the appeal site which do not benefit from traffic lights. Consequently, the two examples are not directly comparable and the evidence provided in relation to those schemes does not alter my concern about the impact of a digital display at the appeal site.
12. I conclude, therefore, that the advertisement would have a harmful effect on highway safety. Whilst not decisive, the proposal would not meet with the objectives of the National Planning Policy Framework nor Policy 9 of the Oldham Local Development Framework Development Plan Document- Joint Core Strategy and Development Management Policies (2011) which amongst other things seeks to ensure that new development minimises traffic levels and does not harm the safety of road users.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR