



Appeal Decision

Site visit made on 20 October 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/W4223/H/20/3254877

Junction Trade Park, Manchester Road, Oldham OL8 4RG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by SSH Property Investment Ltd against Oldham Metropolitan Borough Council.
 - The application Ref AD/344390/20 is dated 17 January 2020. The advertisement proposed is 2no. LED advertisement displays.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal relates to an advertisement consent application that was not determined by the Council within the prescribed period. I have had regard to the appellant's submitted plans and statements and have determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the signage on amenity and public safety.

Reasons

Amenity

4. The site lies in an area of predominantly commercial development. It fronts the wide Manchester Road (A62) corridor, a busy strategic route linking Oldham town centre with Manchester city centre, close to a signal-controlled junction. The site consists of a number of commercial units within a subdivided shed that has been re-fronted with a high modern façade. A parking area lies forward of the building and is enclosed by a wall and railings. At the time of my site inspection, all the units were occupied.
5. The proposed signs would sit close to the site frontage such that they would appear prominent in the street scene. In the context of a commercial area of generally large-scale buildings and the broad measure of the roadway, the hoardings would be appropriate in their scale.
6. However, the displays would be seen against a backdrop of a significant number of large adverts displayed on the front of the building. Large scale signage identifying the businesses contained within each unit is generally set high on the building's façade close to the upper edge of the parapet where they

are highly visible. These are augmented by a significant level of secondary signage set in and about the fascias and above the ground floor openings of most of the units. When taken with the existing totem signage within the car park and the banner advertisements and placards attached to the enclosing railings and gates, the proposed displays would add to a significant clutter of adverts displayed at the site.

7. Despite their set apart positions, the effect of the large-scale displays would be to add to the existing confusion of adverts. This would be particularly so on account of the vivid LED displays and the 'movement' between consecutive static images up to a maximum of one every 10 seconds. Although the displays would be modern in appearance and could be maintained to a high standard with illumination levels controlled, they would serve to draw significant attention to themselves and the broader display of advertisements. Although they would not adversely impact nearby residential living conditions on account of intervening distances, they would add to the existing proliferation of adverts and constitute intrusive and overly dominant features that would cumulatively cause significant harm to the visual amenity of the surrounding area through visual clutter.
8. The appellant has highlighted that there are examples of other high density signage areas along the A62 frontage and LED displays elsewhere. However, the majority of large units have significantly lower levels of displays on their individual elevations and therefore contrast sharply with the case before me, a case I have considered on its own merits. Although the presence of other adverts elsewhere provides part of the commercial context of the site and the A62 corridor, it does not justify the addition of further dominant features which I have identified would cause harm to the streetscene in the vicinity of the site.
9. For the above reasons, I find that the proposed LED displays would add to the visual clutter of advertisements in the locality such as to cause significant harm to its visual amenity.

Public Safety

10. The signs would be sited on private land that is publicly accessible to visitors of the businesses within the adjacent building. The signs would be located clear of the edge of a car park area and set behind a landscape strip to the rear of the pavement on Manchester Road such that they would pose little effect on the continued safe use of those areas.
11. The proposed displays would be readily visible by users of the busy A62 and from the roads serving commercial areas on its opposite side, including Clock Street, Bowling Street and Clowes Street. However, the primary views would be limited to those about the junction of Clowes Street and the A62. This junction is controlled by traffic lights with a combined pedestrian crossing on the northern arm.
12. The position of the signs would be such that driver views of the traffic signals about the junction would be unimpeded and viewed in isolation from the displays. Traffic waiting to turn on to Manchester Road from within the Clowes Street carriageway would see the northernmost sign in the same view as the traffic signals but sufficiently separate from it to avoid confusion and interpretation of the changing road signals.

13. Sideways views of the signs would be available to drivers of vehicles within the main carriageways of the A62. For southbound traffic they would substantially emerge in the field of view after vehicles have navigated the junction on account of the bend in the road and presence of screening buildings on the corner. However, this would be on approach to a bus layby and a major junction with the ring road. In the northerly direction the signs would present late in the approach to the junction with Clowes Street / Baxter Street on account of the landscaping within the central reservation.
14. In both directions, these views would be at points where traffic is slowing, potentially stopping, or manoeuvring between lanes. Although forward visibility is generally good and the area benefits from street lighting, the size, siting, illumination and changing character of the displays, whether synchronised or not, when taken with the backdrop of other advertisements, would inevitably draw the attention of drivers. The side-on position and late emergence in the field of view would increase the potential for distraction with attendant possibility for shunts and collisions between vehicles on those sections of the road.
15. In support of the appeal the appellant indicates that the accident record for the locality is low and distraction was not a factor in the instances recorded. However, this is without the presence of the LED displays. Additionally, details of examples of other LED adverts sited close to main roads and junctions are provided, including before and after accident records. However, in the absence of full details of the cases I am unable to draw comparisons between their circumstances and those of the case before me. Furthermore, although the cases generally indicate that there is no statistically significant association with the erection of LED displays, the limited data and other potential variables do not provide firm ground to conclude that no adverse impact on highway safety would arise in the circumstances of this case.

Other Matters

16. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for the appeal.

Conclusion

17. I have taken into account the provisions of the development plan, so far as they are relevant, in accordance with the Regulations. I have had regard to Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) as it seeks to protect amenity and the safety of road users, together with paragraph 132 of The National Planning Policy Framework. Having found that the proposal would cause harm to local amenity and highway safety, the proposal conflicts with those policies.
18. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR