



Appeal Decision

Site visit made on 9 March 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/W4223/Z/21/3287590

334 Abbey Hills Road, Oldham OL8 2DH

- 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 Wildstone Group Limited against the decision of Oldham Council.
 - The application Ref ADV/347067/21, dated 4 June 2021, was refused by notice dated 30 September 2021.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 136 of the National Planning Policy Framework (the Framework, 2021) and the Planning Practice Guidance (PPG), all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Both main parties agree that the proposal would not harm visual amenity. Accordingly, the main issue in this appeal is the effect of the proposed advertisement upon public safety.

Reasons

3. The appeal site forms the side elevation of an end of terrace property, which fronts onto Abbey Hills Road (B6194), a main traffic corridor into Oldham. The existing display faces onto the unnamed side road that provides access to the rear of the terraced properties. There is a small cluster of commercial premises at ground floor level on either side of the road. Nonetheless, the prevailing character of the area is residential.
4. An existing 48 sheet paper and paste billboard would be replaced with a digital display of the same size. The PPG emphasises 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.
5. The Highway Authority advises Abbey Hills Road is regularly monitored and that it attracts speeding and poor driver behaviour. Given its position on the flank wall of the host building, the display would only be visible to vehicles travelling north-west along Abbey Hills Road. In this direction of travel, the site is approached uphill, on a straight section of road, restricted to 30mph. Relatively long views of the display would be possible, with drivers likely to witness the change between advertisements. Despite the display being on the same side as approaching drivers, there are additional complexities in this particular location which require extra care and attention. As the cluster of

shops provides a small hub of activity, the complexities include, but are not limited to, buses regularly stopping and pulling out of the bus lay-by, cars parking for limited periods on the opposite side of Abbey Hills Road, and pedestrians crossing and accessing vehicles within the road.

6. The controlled pedestrian crossing at 23m to the north-west is close to the appeal site. Particularly when traffic is queuing at the crossing, drivers would not have sufficient time to assimilate the information displayed, before dealing with any arising hazards. With there being no other illuminated advertisements of this size and form in the immediate area, the display would be strident and dominant, rather than the secondary feature suggested. Even if the brightness of the traffic signals were above ambient levels, they are of a demonstrably smaller scale, so as not to be comparable with the impact of the internally illuminated digital display. Consequently, I find that a distraction would be provided at a point where drivers' focus needs to be on the road layout ahead, anticipating the use of the access, the pedestrian crossing and cars or buses pulling out from the parking or stopping areas.
7. The Highway Authority refers to 6 personal injury accidents in the vicinity of the site within the last 5 years, resulting in 6 casualties, 2 of which were serious. In contrast, the appellant suggests there have been only 3 accidents within the same period, none being serious. No detailed evidence regarding these accidents has been provided by either party, including the definitive causes. Nevertheless, accident records reflect the past and do not assess the future impact of the advertisement on public safety. I am satisfied that the proposed digital display is materially different in character and appearance to the existing billboard and is therefore, not comparable in public safety terms.
8. The appellant makes reference to the Transport for London 'Guidance for Digital Roadside Advertising and Proposed Best Practice' document. The site is not in London and the guidance does not apply to this context. Although conditions could be imposed to prevent moving or flashing images and to control the length of display and rate of image change, they would not provide sufficient mitigation in this instance, to prevent driver distraction on the approach to the controlled crossing.
9. I find that the proposal would be harmful to public safety. In accordance with the Regulations referenced in the banner heading of this decision, I have considered Policies 5 and 9 of the Oldham Local Development Framework; Development Plan Document – Joint Core Strategy and Development Management Policies (2011), which seek to ensure the safety of new developments including the safety of pedestrians and other road users. I have also had regard to the Framework which seeks to control advertisements in the interests of public safety. As I have concluded that the proposal would harm public safety, the proposal conflicts with these policies.

Conclusion

10. For the reasons identified above, I conclude that the display of the advertisement would be harmful to public safety and the appeal should be dismissed.

M Clowes

INSPECTOR