



Appeal Decision

Site visit made on 9 January 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2023

Appeal Ref: APP/W4223/Z/22/3307162

Land at 17/19 Huddersfield Road (A62), Oldham OL1 3LG

- 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 Richard Page, Wildstone Group Limited, against the decision of Oldham Council.
 - The application Ref ADV/348447/22, dated 4 February 2022, was refused by notice dated 22 July 2022.
 - The advertisement proposed is conversion of two existing advertising displays to a single digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

Reasons

3. The application site comprises an existing free standing, externally illuminated, double sided paper and paste advertising board, which benefits from deemed consent having been present for over 10 years. It is located behind the footway on the north side of the A62 Huddersfield Road, approximately 50 metres from the signalised crossroads and a series of pedestrian crossings.
4. The proposed digital advertisement upgrade would have a west facing display only, which would be clearly visible from numerous roads, junctions and traffic lights.
5. Having regard to the submitted Highway Safety Report, I agree that traffic travelling westbound on the A62, and traffic joining the A62 from Greenacres Road and Shaw Road, would have limited views of the proposed advertisement and would not be unduly distracted by it. I also accept that the sign would not be seen in context with or alongside the traffic signals and would not make these appear confusing.
6. However, based upon my own observations, it is clear that traffic travelling towards the site on the eastbound carriageway of the A62, or from Cross Street, would have the proposed advertisement in view for longer periods of time. Whilst I acknowledge that there is already an illuminated advertisement of the same size and in the same location, the proposed digital upgrade would contain frequently changing images and thus would distract drivers for longer periods of time, holding their views for longer than that of a single image. This would particularly apply to drivers of slow moving and stationary vehicles,

watching the changing adverts as opposed to watching the road and traffic signals.

7. I have been provided with evidence of 10 recorded accidents, in the vicinity of the site, in the 5 year period up to 31 January 2022. These records demonstrate that the site is in an area where accidents are not uncommon, and that this busy signalised crossroads can be confusing to drivers and requires their full attention.
8. Even if the existing advertisement was not a factor in causing the previously recorded accidents, this does not mean that a digital sign, displaying multiple changing images, would not be a greater distraction to drivers that could potentially contribute to the cause of and an increased risk of future accidents. I accept that traffic may generally be travelling at low speeds in a relatively cautious manner due to the road layout and traffic lights, but this does not outweigh the potential for increased distraction.
9. Planning Practice Guidance sets out the main type of advertisements which may cause danger to road users, and this includes, amongst other things, internally illuminated signs which are subject to frequent changes of the display.
10. I therefore conclude that the proposed advertisement upgrade, due to its changing images and proximity to junctions and crossings that require concentration, would distract drivers to an extent that would compromise the public safety of all highway users, including pedestrians, whom may not be distracted themselves, but would be at risk from distracted drivers.
11. I have taken into account Policy 9 of the Oldham Development Plan Document Joint Core Strategy and Development Management Policies (2011), which seeks amongst other things to ensure that proposals would not result in harm to the safety of road users. Given I have found that the proposal would harm public safety, the proposal conflicts with this policy. It would also conflict with paragraph 111 of the National Planning Policy Framework due to its unacceptable impact on highway safety.

Other Matters

12. My attention has been drawn to other sites where similar advertisement displays, also at signalised junctions, have been granted consent. However, as these are all in different locations, they are not directly comparable to the advertisement before me and consequently I give these very little weight.
13. I also acknowledge the benefits of upgrading to a digital display, which include amongst other things, consolidating the number of displays, reducing vehicle trips to repost adverts, eradicating the need to print posters and reducing associated waste and the ability to broadcast public messages. However, these benefits do not outweigh my concerns regarding highway safety.

Conclusion

14. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of public safety and accordingly the appeal should be dismissed.

R Bartlett INSPECTOR