



Appeal Decision

Site visit made on 15 January 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/W4223/Z/24/3337233

150 Broadway, Chadderton, Oldham OL9 0JY

- 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 Estates Limited against the decision of Oldham Metropolitan Borough Council.
 - The application Ref ADV/351813/23, dated 24 October 2023, was refused by notice dated 6 December 2023.
 - The application is for replacement of 1 no. existing 48 sheet poster board with an internally illuminated digital advertising screen (D-Poster).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

3. The main issue is the impact of the proposal upon the safety of road users.

Reasons

4. The proposal before me seeks permission for an illuminated 48 sheet digital illuminated advertising screen to be placed upon the end gable of number 150 Broadway. The property in question is a red brick end terrace property that bounds onto the car park of a nearby church. Running past the site is the A663 Broadway dual carriageway with a speed limit of 40mph on approach towards the appeal site.
5. The proposed advertisement, being upon the gable of number 150, would be seen for some distance along Broadway and the Appellants suggest that around two different images would be visible when moving along this stretch in normal flowing traffic. Although the Appellants state that this scheme is intended to replace an existing poster sign of similar dimensions, there was no such sign present on my site visit. Nevertheless, I saw approximately where such a sign was likely located and this was de-marked by a change in brick colour.

6. Opposite the appeal site, the road approaches a traffic light controlled junction with pedestrian crossing facilities. Prior to this junction the two lanes merge outwards to become three lanes to accommodate right turning traffic. To the kerb side as one nears the traffic lights and as one draws roughly opposite to the gable of number 150, a dedicated cycle lane adjoins the carriageway.
7. This cycle lane, after having run parallel to the main road and being separated for some distance by trees and verge, as well as a change in level, then rather abruptly merges onto the main road with a Give Way junction before joining an on road cycle lane on approach to the traffic signals. The final approach along this cycle path onto the carriageway is downhill and rather abruptly ends at the bottom of a slope.
8. The main issue before me is not the principle of an advertisement in this location. Rather it is the ability of such a display to change and be more visible due to illumination and the potential effect this may have upon road users as a result.
9. As mentioned above, the joining of this cycle lane onto the carriageway is downhill and would therefore likely result in faster speeds being obtained by cycles. Despite the Give Way markings on the surface of the cycle lane it is not abundantly clear whether or not the segregation of the lane continues, or whether vehicles would merge into it. Moreover, the angle by which the cycle lane adjoins the carriageway requires the turning of the head quite significantly to see traffic approaching from behind.
10. Whilst this situation appears not to have caused any significant incidents over recent years, I consider that the downhill approach onto the carriageway, together with the angle by which cyclists have to look, all place the cycle user at more risk than any other user along this stretch of highway. Due also to the relative abruptness of the merging of this cycle lane onto the highway, it does not appear immediately apparent as a driver that cyclists will be merging here. This then puts cyclists at even greater risk and attracts the greater likelihood of merging cyclists not being adequately seen in time.
11. In accepting this I consider that the need for drivers to be aware and see cyclists is of paramount importance here. Although the previous advertisement sign offered some draw to the attention of drivers, this was fixed and ultimately would have become less interesting as a driver approached the point near to the cycle lane. However, the illumination combined with the changing visual stimuli as created by the proposed advertisement would cause further distraction, and further dilute the attention of drivers here. I consider that this risk would be more acute were the advertisement to change whilst the driver was imminently approaching the merging of the cycle lane.
12. As such, the design of the merging cycle way, combined with the constantly changing digital illuminated advert opposite would cause significant enough risk to the safety of highway users, especially those at greater risk of serious injury, to lead me to the conclusion that this proposal would be in conflict with Policy 9 of the Oldham Local Plan. The proposal would also be in conflict with the overriding policy criteria contained within the Framework and that the scheme would, ultimately, be detrimental to highway safety.

Conclusion

13. For the reasons above, taking into account the particular criteria of this proposal, I dismiss the appeal.

A Graham

INSPECTOR