

Planning Appeals Update

Planning Committee Report of Head of Planning and Infrastructure

DATE OF COMMITTEE

2018

PLANNING APPEALS

WRITTEN REPRESENTATIONS

HOUSE HOLDER

HH/341526/18 12 Oak View Road, Greenfield, Oldham, OL3 7EP
HH/341355/18 1065 Middleton Road, Chadderton, OL9 0NW

ADVERTISEMENTS

APPEAL DECISIONS

HH/341284/18 17/19 Huddersfield Road, Oldham, OL1 3LG
Original Decision Del
Appeal Decision Dismissed

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

Files held in the Development Control Section



The above papers and documents can be inspected from 08.40am to 4.30pm on level 12, Civic Centre, West Street, Oldham.



Appeal Decision

Site visit made on 17 August 2018

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2018

Appeal Ref: APP/W4223/Z/18/3205553

Land at 17/19 Huddersfield Road, 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 Paul O'Sullivan against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/341284/18 was refused by notice dated 30 April 2018.
 - The advertisement proposed is the replacement of 2no. existing illuminated 48-sheet advertising displays with 2no. 48-sheet digital LED advertising display.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal is 2 internally illuminated LED digital display panels placed back to back on a monopole to one side of Huddersfield Road (A62) to face oncoming traffic using this highway in both directions. While the images on the new signs would regularly change, only static pictures and text would be displayed with no moving content or flashing images. The changes between images would be instantaneous. Both displays would be illuminated to levels in accordance with the guidance issued by the Institute of Lighting Professionals. The new panels would replace 2 externally illuminated displays of the same size and in the same position. The southwest facing advertisement was in use as an illuminated changing display for a protracted period up to about 2013.
4. The new displays would be close to a busy traffic light controlled junction to the southwest, which is at the confluence of Bottom O'Th' Moor, Shaw Road, Cross Street and Huddersfield Road. For brevity, I shall refer to this as 'the junction'. The southwest facing display would be evident from the junction. It would also be visible from Greenacres Road as it connects with Huddersfield Road. The northeast facing sign would be noticeable mainly for those traveling along Huddersfield Road towards the site. The Council has concern that the new advertising would reduce the clarity and effectiveness of the traffic signals and be unduly distracting to road users.
5. These particular circumstances are listed in the Planning Practice Guidance (PPG) as the type of sign that may cause danger to road users. The PPG notes that advertisements at points where drivers need to take more care, for

- example at junctions and pedestrian crossings, are more likely to affect public safety. It also states that highway danger may arise due to internally illuminated signs including those utilising LED technology that, because of their colour could be mistaken for, or confused with, traffic lights; and those signs that are subject to frequent changes of the display.
6. As the appellant points out, this does not mean that internally illuminated roadside signs using LED technology would pose a safety hazard. The PPG adds that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality, which would be the case here. Within such areas, it is my experience that road signage and advertisements are familiar features.
 7. The appellant has provided a detailed account of the recorded accidents in the vicinity of the site. This evidence indicates that there have been 15-recorded incidents at the junction in the last 10 years of which 12 were slight; 2 were serious and 1 was fatal. The Council's accident data is not inconsistent with the appellant's findings. In the most recent 3-year period, the Council states that there were 6 personal injury accidents at the junction. Of that total, the Council notes that 2 were killed or seriously injured and these involved right turning manoeuvres onto Huddersfield Road from Cross Street.
 8. From the submitted information, none of these incidents was directly attributable to the presence of advertising on the site. The appellant's Highways Assessment also regards the overall number of accidents as not unusually high for a busy junction in an urban area. Nevertheless, the recent safety record of the junction does, however, make clear the potentially serious consequences if drivers and motorcyclists in particular fail to pay due care and attention. Taking all of the evidence into account, it seems to me that any additional risk to highway safety could be significant.
 9. On the immediate approach to the junction, Bottom O'Th' Moor has 3 lanes from which the new southwest facing display would be visible with the head(s) of the traffic signals in the foreground. The junction itself has multiple lanes across the carriageway and several entry and exit routes from which the proposed advertising would be evident with the traffic lights also in view.
 10. During the mid morning site visit, the junction and the roads leading into it were busy. A number of people also used the dedicated pedestrian crossing facilities at the junction. To my mind, this level of activity requires the concentration of drivers, pedestrians and cyclists to be maintained. I also observed that users of Huddersfield Road and Bottom O'Th' Moor often change lane on the approach to the junction ahead of queuing traffic or to then turn left or right. While the considerable volume of traffic may, at times, create relatively low speeds, drivers and cyclists approaching this junction require a high degree of attention to safely navigate it. For drivers traveling along Huddersfield Road towards the junction, I saw that the proposed northeast facing advertisement would also come into view behind the traffic signals just before the junction with Soho Street.
 11. In that context, the prominence of the new advertisements and frequently changing display would draw the eye, diverting the attention of road users even momentarily. It would distract exactly at the point where full concentration on the road ahead is required even from drivers and cyclists that are taking reasonable care of their own and others' safety.

12. It is true, as the appellant states, that the new displays would be some distance behind and in some instances to one side of the head of the traffic lights when seen from the flow of traffic in both directions. However, at the stop lines of the junction, a change in the colour of the image from red to green for instance could be glimpsed and misinterpreted by some drivers as a signal to move forward. That decision would be made at exactly the point where pedestrians and cyclists may well be crossing the carriageway. Figure 3.3 of the appellant's Highways Assessment illustrates this general point.
13. In reaching this view, I appreciate that my assessment, which reflects the particular circumstances of this case, departs from the findings of another Inspector involving an appeal in Warrington. In that case, the Inspector noted that a reduction from 4 to 2 displays and their revised positioning should make the traffic signals more visible. Those circumstances differ to the nature of the proposal before me. It is also unclear from the appeal decision whether the adjacent crossroads, while busy, had a safety record comparable to that of the junction, which forms part of the context in this case.
14. The appellant's grounds of appeal and the Highways Assessment find no direct correlation between accidents and roadside advertising. Even so, I am not convinced that such a general finding therefore justifies displays that would cause material harm to highway safety. Both main parties also refer to other advertisements that have been refused or allowed at application or appeal that are similarly visible from busy roads. While I have had regard to all of these cases, I have evaluated the proposal on its own merits.
15. I note that the Council has referred to a development plan policy as well as the National Planning Policy Framework. The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies and guidance cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.
16. The Council raises no issue in relation to amenity. From the submitted evidence, I have no reason to disagree with that finding. Nevertheless, for the reasons given I conclude that the proposal would be detrimental to the interests of public safety. Therefore, the appeal is dismissed.

Gary Deane

INSPECTOR

