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## Appeal Decision

Site visit made on 22 November 2021

**Decision by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 November 2021**

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**Appeal Ref: APP/G4240/Z/21/3282341**

**171-173 Old Street, Ashton-Under-Lyne OL6 7SQ**

- 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 Benjamin Porte, Clear Channel UK, against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 21/00737/ADV, dated 8 June 2021, was refused by notice dated 12 August 2021.
  - The development proposed is replacement of existing illuminated 48-sheet poster advertisement display with illuminated 48-sheet D-Poster advertisement display.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed advertisement on:
  - Public safety; and
  - The amenity of the surrounding area, including the Ashton Town Centre Conservation Area (CA).

### Reasons

#### *Public Safety*

3. The Planning Practice Guidance (PPG) states 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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline<sup>1</sup>.
4. The advertisement would be located close to the signalised junction of Old Street and Cavendish Street which incorporates a pedestrian crossing. Whilst only a snapshot during the day, I observed on my site visit that the junction was well used by both vehicles and pedestrians.

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<sup>1</sup> Paragraph: 067 Reference ID: 18b-067-20140306

5. The proposal seeks to replace the existing display with a digital advertisement. The replacement display would be broadly the same size, scale and position as the current display. The appellant highlights that, in the last five-year period, there have been no incidents in which the current advertisement has been a factor.
6. The advertisement would be seen in the direct sight line of the secondary signal head whilst travelling along Old Street towards the advertisement. Although the scheme replaces an existing advertisement and conditions could be attached, having regard to the illumination and changing nature of advertisements and paragraph 68 of the PPG<sup>2</sup>, based on the evidence submitted, the scheme would result in a distracting feature at a point where drivers need to take more care and interpret traffic signals due to its size, siting and digital display. This could result in a collision with another vehicle or pedestrian.
7. For the reasons given above, based on the evidence presented, the proposal would have an unacceptable impact on public safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would cause harm to public safety, the scheme would not meet with the aims of paragraphs 111 and 136 of the National Planning Policy Framework (the 'Framework').

#### *Amenity*

8. The PPG advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity<sup>3</sup>.
9. The appeal site is situated at the corner of Wellington Street and Old Street and within the CA. The Ashton Public Library, which is a Grade II listed building, and the Territorial Army Centre, which is a non-designated heritage asset, are located close to the appeal site. Based on the information presented, the CA is characterised by primarily commercial uses which reflects its town centre location. The character of the CA is diverse and includes a range of architectural buildings which vary in scale, design and quality.
10. Large advertisements, such as that proposed, are not common within the local area. However, the scheme would not introduce an alien feature due to the presence of the existing advertisement which is an established part of the street scene. The display would have a more modern appearance and greater impact during the hours of darkness because the current advertisement is not illuminated. To ensure that the scheme is not an unduly dominant feature in the street scene, the intensity of the illumination, display time and interval between advertisements could be controlled by a condition to ensure that the proposal is appropriate for its location.
11. Having regard to the existing advertisement, diverse character of the area and subject to appropriate planning conditions, the proposal would not harm the visual amenity of the area. Furthermore, having regard to section 16 of the Framework, the scheme would have a neutral impact upon, and would not

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<sup>2</sup> Reference ID: 18b-068-20140306

<sup>3</sup> Paragraph: 079 Reference ID: 18b-079-20140306

harm, the nearby designated and non-designated heritage assets. I am satisfied that the scheme would preserve the character and appearance of the CA and have a neutral effect on the setting of the listed building and non-designated heritage asset.

12. For the reasons given above, the proposal would not harm the amenity of the area, including the CA. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not cause visual harm to the street scene, the scheme would meet with the aims of Policies C4 and C1 of The Tameside Unitary Development Plan (2004) and paragraph 136 of the Framework.

#### *Other Matters*

13. I have had regard to the benefits highlighted by the appellant, including that the scheme includes a vertical meadow green wall which aims to increase and enhance the biodiversity capital of the environment. However, the benefits would not outweigh the harm identified.

#### **Conclusion**

14. Although I have found that the advertisement would not harm the amenity of the area, including the CA, it would have an unacceptable impact on public safety to which I attach significant weight. For the reasons given above the appeal is dismissed.

*L M Wilson*

INSPECTOR