

Appeal Decision

Site visit made on 13 June 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

Appeal Ref: APP/W4223/Z/17/3169371

Gable at 399 Hollins Road, Oldham OL8 3BD

- 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 Insite Poster Properties Ltd against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/339124/16, dated 13 September 2016, was refused by notice on 20 December 2016.
 - The advertisement proposed is the replacement of existing 48 sheet advertising display with 48 sheet LED display.
-

Decision

1. The appeal is allowed and express consent is granted for the replacement of an existing 48 sheet advertising display with 48 sheet LED display, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions below:
 1. The advertisement hereby approved shall operate at an illumination level no greater than 300 cd/m².
 2. The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
 3. There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Procedural Matter

2. In accordance with the National Planning Policy Framework and the
-

Regulations¹, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issue

3. No issues have been raised in relation to visual amenity in this appeal. Therefore the main issue in this case is the effect of the advertisement on public safety.

Reasons

4. The proposal is for a 48 sheet digital display measuring approximately 6 metres in width and 3 metres in height. It would replace an existing illuminated 48 sheet advertisement in the same position. The proposed display would show static two dimensional images in rotation with a new image displayed every 10 seconds.
5. The proposal would occupy a prominent position on the gable end of 399 Hollins Road. It lies at the junction of Hollins Road and Trough Gate. The area is mixed in character with retail and other commercial uses as well as a local fire station. I noted on my site visit that Hollins Road is a busy highway with some sporadic areas of on street parking. Both Hollins Road and Trough Gate are bus routes and a pedestrian crossing is located on Hollins Road approximately 90 metres from the appeal site.
6. The Council has raised concern that the proposed LED display with the changing imagery would be a distraction to drivers particularly at the Hollins Road/Trough Gate junction and also the Heron Street/Hollins Road junction. This would be detrimental to public safety.
7. The Council make reference to seven personal injury accidents at or near the above junctions in the last 5 years. However I note that some of these were located at points where the appeal site would not be visible, were some distance away or were more likely to be due to lack of care and attention on the part of drivers. No reference is made to any impact of existing signage or other distractions which may have contributed to the accidents.
8. I am advised by the appellant that an advertisement has been in place at the appeal site for nearly 20 years and during that time it operated as an illuminated sequential display without any problems or issues of public safety.
9. I note that the LED images would be static and that the transition between advertisements would be around 0.1 of a second. I do not agree with the Council that this would be viewed as a 'flash' by an onlooker or a driver bearing in mind that the display would have the same illuminance as the existing sign. This could also be controlled by an appropriate condition.
10. The Council have expressed concern with regard to the proximity of the sign to the Community Fire Station. It is argued that that the display of the advert would conflict with the lights of an emergency appliance and distract drivers attention from its presence. However I am mindful that the fire engine would presumably also have an audible siren which would ensure drivers and other

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

road users were aware of its presence. In addition the lights of an emergency vehicle would not be of the same illuminance or colour as that of the sign. Furthermore bearing in mind the distance between the fire station and the sign, I do not consider that the display would create any adverse effect in this regard.

11. Whilst I accept that the proposed LED display would provide a greater level of distraction than the existing illuminated sign, particularly when it is first installed, I have not been presented with any evidence to show a direct link between this type of sign and harm to public safety. I therefore consider that the proposal would not have an unacceptable effect on public safety for road users in the vicinity of the site. The Council has made no reference to policies in the development plan which they consider to be relevant in this case. In coming to my decision I have therefore had regard to the Framework and Planning Practice Guidance which seek to prevent the negative impact of poor advertisements.
12. The Council and the appellant have suggested a number of additional conditions should the appeal be allowed to control the illuminance of the sign and to prevent flashing as well as animated or pulsating images. I consider that these are necessary in order to protect the public safety of road users.
13. Both parties have suggested a condition with regard to the time taken for the rotation of images. The appellant's suggested condition requires that the display shall not change more than once every 10 seconds, however the Council requires an interval no less than 20 seconds. I have been provided with no justification for this longer period of time by the Council. As I have found that the sign would not cause harm as proposed, and with no evidence to the contrary, I consider that an interval of 10 seconds as suggested by the appellant would be appropriate.
14. The appellant has also suggested a condition requiring the provision of a mechanism to freeze the image in the event of a malfunction. I support this suggestion in the interests of safeguarding public safety. In imposing the above conditions I have used the wording put forward by the appellant as it appears to be more restrictive and precise.

Conclusion

11. For the reasons given above, and having taken into account all other matters, the appeal is allowed subject to the standard and additional conditions listed above.

Helen Hockenhull

INSPECTOR