



Appeal Decision

Site visit made on 15 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/P4225/H/20/3254886 776 Manchester Road, Rochdale OL11 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Clear Channel UK against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/01259/ADV, dated 11 October 2019, was approved on 30 April 2020 and planning permission was granted subject to conditions.
 - The development permitted is upgrade of existing 48 sheet advert to support digital poster and display logo panel.
 - The condition in dispute is No 8 which states that: *"The advertisements displayed on the screen shall contain static and two dimensional images only with no moving or apparently moving images, devices, wording or emblems; in addition the displays shall not change more than once every 30 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."*
 - The reason given for the condition is: *"In order to safeguard the interests of road safety in accordance with policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework."*
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Decision

1. The appeal is allowed and the planning permission Ref 19/01259/ADV for upgrade of existing 48 sheet advert to support digital poster and display logo panel at 776 Manchester Road, Rochdale OL11 3AW granted on 30 April 2020 by Rochdale Metropolitan Borough Council, is varied by deleting condition 8 and substituting it for the following condition:

8) The advertisements displayed on the screen shall contain static and two dimensional images only with no moving or apparently moving images, devices, wording or emblems; in addition the displays 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.

Main Issue

2. The main issue is whether the disputed condition is necessary having regard to public safety.

Reasons

3. The appeal site relates to the north-western gable elevation which currently supports a 48 sheet non-illuminated advert. Manchester Road contains a mix of commercial and residential uses, including the adjacent garage and car wash. Adverts, mainly at fascia level populate commercial premises. Street lighting

- lines the road. St. Edwards Primary School is accessed from Durban Street which has a filter lane from Manchester Road to the north-west of the site.
3. Road users travelling in a south-easterly direction would have views of the digital display on their approach. Manchester Road is well used by a variety of transport modes and is subject to a 30 mph speed limit. I have no reason to disagree with the Council about the filter lane for vehicles turning into Durban Street becoming busy due to school pickups and drops offs. This is likely to affect the movement and speed of vehicles travelling south-easterly along Manchester Road given the width and alignment of the road during these periods. There is also a pedestrian refuge and bus stops to the south-east of the filter lane on Manchester Road.
 4. There is no substantive evidence before me of the typical or average vehicle speed along this part of Manchester Road, but like many other roads in urban areas such as this, vehicles are unlikely to always pass the site at 30 mph for reasons such as queuing traffic, pedestrians or vehicles waiting to turn. If drivers' approach and pass the site at 30 mph they would only view one advert per trip. To see more than one advert over a 100m distance vehicles would need to be travelling at around 20 mph. The bulk of journeys are very likely to be at speeds of at least 20 mph. At travel speeds lower than this, drivers would see more changes over this same distance, but they would also be moving at lower speed which can reduce the risk of accident or at least its severity.
 5. The Council has relied on the professional judgement of the Senior Engineer, and I agree that a condition controlling the length of each display is necessary and reasonable given the site's position and the nature of the digital display. Even so, the length of change imposed is not necessary given the highway conditions in the area despite the site's proximity to the primary school. Most approaching drivers would be unlikely to see more than one or two adverts based on a 10 second limitation. They would also be used to seeing an advert on the gable elevation in conjunction with other adverts and street furniture whilst responding to other highway users. This includes persons making the turn into Durban Street off Manchester Road for school drop offs and pickups. As such, a 10 second limitation would not in my view compromise driver's attention for long periods of time or necessarily increase the potential for accidents to occur. While this may be in line with the industry approach, I have considered the appeal on its own planning merits.
 6. Policies T2 and DM1 of the Rochdale Adopted Core Strategy (CS) are cited as the reason for imposing the disputed condition. Policy T2 relates to improving accessibility and is not material in the consideration of this case. Policy DM1 is material as it seeks proposals to not have an adverse impact on health, which could be a result of an accident. However, I conclude that by changing the disputed condition to allow for display changes every 10 seconds the proposal would not harm public safety and would therefore accord with CS Policy DM1 and paragraph 132 of the National Planning Policy Framework. The disputed condition would still comply with the other tests for imposing planning conditions. Thus, I shall delete the originally worded condition and replace it with one that limits changes to once every 10 seconds.

Conclusion

7. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR