



Appeal Decision

Site visit made on 24 November 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/W4223/Z/20/3255883

217-219 Manchester Road, Oldham OL8 4QY

- 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 Rob Smith (Alight Media Ltd) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref AD/344285/19, dated 14 December 2019, was refused by notice dated 29 May 2020.
 - The advertisement proposed is replacement of existing 1 x 48 sheet illuminated advertising hoarding with 1 x 48 sheet digital advertising display unit.
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Decision

1. The appeal is allowed and express consent is granted for replacement of existing 1 x 48 sheet illuminated advertising hoarding with 1 x 48 sheet digital advertising display unit, in accordance with the terms of the application ref AD/344285/19, dated 14 December 2019. 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:
 - i) The level of illumination shall not exceed 600 candela per square metre during the day and 300 candela per square metre at night (between local sunset and local sunrise). The level of luminance of the advertisement shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits.
 - ii) The advertisement shall not display any moving or apparently moving images (including animation, flashing, scrolling or video elements), or successive individual images that do not display the whole message, or images requiring close study such as public information panels, or images which resemble traffic signs as defined in section 64 of the Road Traffic Regulation Act 1984.
 - iii) The minimum display time for each advertisement shall be 10 seconds.
 - iv) There shall be an instantaneous transition between displays with no visual effects (including fading, swiping or other animated transition methods) between successive displays.
 - v) The advertisement shall include a safety mechanism that will turn the screen off and show a black screen in the event of a malfunction or error.

Main Issue

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

Reasons

3. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have taken account of the development plan policies that the Council considers to be relevant to this appeal, these have not been determinative in this appeal.
4. The appeal site is the gable end elevation of 217-219 Manchester Road, which is a short terrace with ground floor commercial frontages. The A62 Manchester Road is a dual carriageway arterial route between Manchester and Oldham and the appeal site is close to its junction with Byron Street and Drury Lane. The gable end is set back behind a small area of public green space and it faces towards Byron Street. The area is in predominantly commercial and business use.
5. The existing externally illuminated advertisement has been in place for at least 10 years and it benefits from deemed consent. The proposed internally illuminated LED digital advertisement would be in the same location, and it would be a similar size, to the existing advertisement. It would display static images that would change every 10 seconds.
6. The A62 is a long straight road at this point and it is subject to a 30 mph speed limit. Although the appeal site is not visible travelling towards Manchester, it is readily visible beyond the junction when travelling towards Oldham. On the approach to the junction, there is a left hand turn to a business estate, shortly after which the A62 widens into 3 lanes for the junction, these being 2 forward lanes, one of which also turns left, and a dedicated right hand lane providing access to Byron Street.
7. Taking into account the high volume of traffic using the A62, safely navigating the junction will require road users to be alert to joining and exiting vehicles and pedestrians. However, it is a wide junction with a simple layout and good visibility. There have been very few recorded traffic incidents in the most recent 5 year period and, while there have been casualties, none of the incidents was more than slight severity. Notwithstanding that driver distraction will have been a contributory factor, it has not been demonstrated that any of the drivers was distracted by the existing advertisement.
8. The PPG explains that while all advertisements at points where drivers need to take more care are more likely to affect public safety, there are several types of advertisement which may cause danger to road users. These include those that obstruct and confuse views, reduce clarity or effectiveness of traffic signals, or would distract road users because of their unusual nature.
9. In this case, although the proposed advertisement, including its illumination and its regularly changing display, would be more conspicuous than the existing advertisement, it would not be an unusual form of advertisement in an urban area. While it would be visible for a considerable distance on the approach along the A62 towards the junction, the advertisement would be set back from the junction and it would be several metres to the right of the

secondary traffic signal. Consequently, while it would attract momentary attention, road users would have good forward visibility and clear sight lines of the traffic signals. Therefore, while I acknowledge the concerns of the Council, there is little substantive evidence that the proposal would result in any significantly different, or detrimental, effects on the clarity or effectiveness of the traffic signals than the existing advertisement.

10. The PPG also highlights the dangers associated with illuminated signs which are subject to frequent changes of display, those that incorporate moving elements or successive individual advertisements which do not display the whole message, those requiring close study, and those that resemble traffic signs, as defined in section 64 of the Road Traffic Regulations Act 1984.
11. In this regard, I note that the appellant has suggested additional conditions including controls on illuminance and the duration of displays, a cut out in the event of malfunction, and a restriction on the types of moving images that the PPG identifies as potentially more dangerous. I have assessed these against the tests in the Framework and I consider that these are necessary in the interests of protecting public safety.
12. Therefore, subject to conditions, there would be no harm to public safety. As I have found that the proposed advertisement would not result in unacceptable impacts on highway safety or severe residual cumulative impacts on the road network, it would not conflict with Policy 9 of the Oldham Development Plan Document – Joint Core Strategy and Development Management Policies Adopted November 2011.

Conclusion

13. For the reasons set out above, I conclude that the appeal advertisement would not be detrimental to public safety. The appeal should therefore be allowed subject to the standard and additional conditions.

Sarah Manchester

INSEPECTOR