
Appeal Decision

Site visit made on 22 December 2021

by M Clowes BA(hons) MCD PGCERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/W4223/Z/21/3283091

312 Huddersfield Road, Oldham OL4 2RB

- 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 B Porte (Clear Channel UK Ltd) against the decision of Oldham Council.
 - The application Ref ADV/346990/21, dated 1 June 2021, was refused by notice dated 9 September 2021.
 - The advertisement proposed is described as 'installation of illuminated D poster and vertical meadow.'
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following additional conditions:
 - 6) The intensity of the illumination of the advertisement hereby consented by shall be no greater than that recommended by the Institute of Lighting Professionals for a sign within Zone E3 in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 7) The illumination of the advertisement shall not at any time be intermittent.
 - 8) The screen display shall only show 2 dimensional static images and shall contain no moving images, animation, video or full motion images and no messaging shall spread across more than 1 screen image.
 - 9) Sequential advertisements shall not change more than once every 10 seconds and the rate of change shall be instantaneous.
 - 10) The display shall be switched off between the hours of 23:00 and 05:00.

Main Issue

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

Reasons

3. The appeal site forms the gable elevation of an end of terrace dwelling, located alongside Huddersfield Road (A62), a highly trafficked and major route through Oldham. A supermarket and a small parade of shops exist to the west along Huddersfield Road which has a restricted speed limit of 30mph here. There is a pedestrian traffic island separating east and westbound lanes in front of

No.312. As might be expected the street scene here is somewhat varied, on account of a mix of residential and commercial uses. I saw how it includes different types of illuminated signage associated with the parade of shops, public houses and with the supermarket (including large, illuminated letters and a totem display next to the highway).

4. The proposed advertisement would consist of an internally illuminated digital display accompanied by a vertical meadow (green wall system), said to enhance and improve the biodiversity of urban streetscapes. Given its position with the row of terraced properties behind, the display would only be visible to vehicles travelling eastwards along Huddersfield Road. The proposed advertisement would be a reasonable distance away from the controlled pedestrian crossing that is situated next to the parade of shops, beyond the intervening supermarket (at a distance of some 140m as cited by the appellant).
5. Approaching from the west the road is straight and level, and the advertisement would be elevated at first-floor level to the right of the highway. The advertisement would be visible in views from vehicles approaching the pedestrian crossing, but at some distance in a mixed background context as described above. Given the intervening distance, offset nature of the advertisement and prevailing character, the proposed display would not cause undue distraction to drivers approaching the crossing. Images on the advertisement would be static, as could be secured by condition, and they would not serve to block or hinder the interpretation of the signals on the crossing or elsewhere. Whilst the display is designed to attract attention, I do not find that it would be so distracting as to cause harm to public safety; some level of signage and illumination would be expected in this location.
6. Reference has been made by the Council to 11 personal injury accidents near the location of the proposed display within the last 5 years. However, no detailed evidence about the nature of the accidents or their specific locations has been provided. In contrast, the appellant has provided Crashmap data detailing 8 accidents in the vicinity of the appeal site, likewise over a 5-year period. The latter data is more detailed. It shows that 4 of the 8 accidents have involved pedestrians crossing the road without using the formal crossing point and that 6 have occurred on the west-bound side of the highway which is dualled. As the advertisement would not be visible to drivers travelling in this direction, I do not consider that it would significantly increase the potential for vehicular or pedestrian accidents over and above the current situation.
7. The Council have suggested that vehicles used to maintain the display would park close to the crossing on Huddersfield Road, restricting the intervisibility between drivers and pedestrians using the crossing. I saw that the westbound carriageway is signed as a clearway, where stopping is prevented between 0700 and 1900. However, it appears that there are no restrictions to on-street parking along the eastbound carriageway opposite, from the controlled crossing to beyond the appeal site (which is, in all likelihood, preferential for temporarily stationing maintenance vehicles). In that context, I am not of the view that maintenance vehicles would entail any unacceptable effect in respect of public safety in this instance.
8. I therefore conclude that the proposal would not result in an unacceptable effect on public safety. In accordance with the Regulations referenced in the

banner heading of this decision, I have taken into account policy 9 of the Oldham Local Development Framework; Development Plan Document – Joint Core Strategy and Development Management Policies (2011) which seeks to ensure the safety of new developments. As I have concluded that the advertisement would not harm public safety, the proposal does not conflict with this policy.

Conditions

9. I have considered the appellants' suggested conditions in accordance with the Planning Practice Guidance and Paragraph 56 of the National Planning Policy Framework (2021). I have amended their wording to ensure compliance with the 6 tests. As the advertisement would be illuminated and sited within an area where there are residential properties, conditions to limit the luminance levels and hours of operation are reasonable and necessary. Given the visibility of the advertisement to vehicular traffic it is necessary and relevant to limit the frequency of change and types of images to be displayed, to minimise distraction.

Conclusion

10. For the reasons identified above, I conclude that the appeal should be allowed.

M Clowes

INSPECTOR