



Appeal Decision

Site visit made on 6 March 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/W4223/H/3306089

Middleton Road, Mills Hill Bridge, Oldham M24 2EH

- 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 Network Rail against the decision of Oldham Council.
 - The application Ref ADV/348554/22, dated 16 February 2022, was refused by notice dated 7 July 2022.
 - The advertisement proposed is the replacement of an existing 96 panel static display with a 48 panel 'D-poster' which will display multiple static advertisements on rotation.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of an existing 96 panel static display with a 48 panel 'D-poster' 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:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 cd/m² during daylight hours and 300cd/m² during the hours of darkness.
 - 2) There shall be no scrolling effects (including noise, animation, flashing, intermittent illumination, scrolling or video elements) of any kind during the time that any advertisement is displayed.
 - 3) Each advertisement shall be displayed for a minimum of 10 seconds.
 - 4) When a display succeeds a previous display the complete screen shall change and between successive displays there shall be no visual effects, such as swiping, or other animated transition methods.

Main Issue

2. The main issue in this appeal is the effect of the proposal on public safety on the highway.

Reasons

3. The proposed digital hoarding would replace an existing, externally illuminated, static display located to the side of a railway bridge on Middleton Road. The proposed hoarding would be the same height as the display it would replace (3.5m) but at 6.5m wide it would be nearly half its width. It would also be positioned at a lower level of 2m rather than 3m above ground level. In terms of its physical dimensions and elevation, the proposed hoarding would therefore be smaller and

less prominent than the existing display. However, as it would be digital it would have the potential to be more distracting.

4. Planning Practice Guidance¹ identifies that advertisements in locations where drivers need to take care are more likely to affect public safety. For highway users heading westwards along Middleton Road, the proposed hoarding would be positioned slightly to the right of the centre of their field of vision with a traffic light controlled junction in the foreground. As this junction is close to Mill Hill Station where pedestrians may seek to cross the road, this is a location where drivers need to take more care than normal.
5. With the approximate 100m separation distance between the position of the proposed sign and the junction, the proposed sign would appear sufficiently small for it to form an illuminated background against which the junction's three separate signal heads controlling oncoming traffic from the east could be distinguished. Planning Practice Guidance² though advises that, amongst other characteristics, adverts that are illuminated and have moving images may distract and cause danger to road users. In my judgement, given that the proposed sign would be visible at a point where drivers need to take more care, without restrictions the sign's display could be sufficiently distracting to place public safety at risk.
6. In the interests of public safety therefore, in addition to the five standard conditions, control needs to be exerted by condition over the intensity of illumination, as well as the duration of each advert and scrolling and transition effects, to prevent the proposed sign distracting highway users.
7. I therefore conclude that subject to appropriate conditions, the proposed sign would not distract the attention of westbound highway users travelling along Middleton Road to the extent that public safety would be harmed.
8. I have taken into account policy 9 of the Oldham Local Development Framework which, amongst other matters, seeks to protect the safety of road users and so is material in this case. Given I have concluded that the proposal would not harm public safety, the proposal does not conflict with this policy.

Conclusion

9. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

¹ Paragraph:067 Reference ID: 18b-067-20140306

² Paragraph:068 Reference ID: 18b-068-20140306