



Appeal Decision

Site visit made on 16 May 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2023

Appeal Ref: APP/W4223/W/22/3312217
396 Manchester Road, Oldham, OL9 7pQ

- 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 Jonathan Herman against the decision of Oldham Council.
 - The application Ref ADV/348443/22, dated 7 February 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as 'LED Billboard P6.7 LED with brightness levels and light sensor (4,500 cd/sqm is a maximum luminance level)'.
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Decision

1. The appeal is allowed and express consent is granted for the erection and display of an LED Billboard with brightness levels and light sensor (4,500 cd/sqm is a maximum luminance level) at 396 Manchester Road, Oldham, OL9 7PQ in accordance with the terms of the application, Ref ADV/348443/22, dated 7 February 2022. 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 sign permitted by this consent shall be carried out in accordance with the following approved plans: proposed site plan (except in respect of the billboard elevations); Image 1 (proposed reduced sign size) in appellant's Statement of Case; photographs showing existing signage to be removed in appellant's Statement of Case.
 - 2) The sign permitted by this consent shall not be displayed at the same time as the existing signage shown for removal in the photographs in the appellant's Statement of Case.
 - 3) The levels of the illuminance shall not exceed 300cd/m² during hours of darkness (sunset until sunrise).
 - 4) The screen display shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
 - 5) The advertisement display shall not change more frequently than every 60 seconds and the rate of change should be instantaneous.
 - 6) The illumination of the advertisement shall not at any time be intermittent.

Preliminary matters

2. The Council's decision describes the proposal as 'Erection and display of an LED Billboard with brightness levels and light sensor (4,500 cd/sqm is a maximum luminance level). As this describes the proposal more clearly, I have used this as the basis for my determination of the appeal and in the formal decision above.
3. The Advertisement 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 referred to some of the policies that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Reasons

4. The main issue in this appeal is, therefore, the effect of the proposed advertisement on public safety. National policy in the Framework states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety'.
5. The appeal site is located on the A62 Manchester Road, a strategic route between Manchester and Oldham, on the approach to a signalised road junction. The appeal site comprises a car sales business which has a number of existing signs, including pole mounted banner signs along its wide frontage. The proposed digital sign would be sited on the front boundary at the southern end of the site. A digital sign within the same site but closer to the junction at the northern end of the site was refused by the Council in 2021 for the same reason.
6. The submitted plans show that the sign would measure some 5.9m by 2.9m. During the course of the application, amendments to include a reduced sign of 3.8m by 2.8m, the extension of time between advert changes from 30 seconds to 60 seconds and the removal of existing roadside banner signs was suggested by the applicant and discussed with the Council's highways engineer who maintained their objection. As those amendments have already been considered by the highways engineer and would not prejudice the interests of other parties, I have considered the proposal on this basis.
7. On the approach towards the junction to the north of the site, the carriageway comprises four lanes. Those include two right turning lanes for vehicles heading towards Chamber Road and Chapel Road and two lanes for vehicles continuing along the A62 or turning left into Hardman Street.
8. The plans show that the sign would be located some 130m before the junction. At my visit, I noted that at the point where the proposed sign would be positioned, traffic is already slowing considerably as it approaches the junction. At that point the highway comprises two lanes and it is not possible to move fully into the additional two lanes for turning right until after passing that point. There is a directional sign positioned above the highway between the proposed siting and the junction which clearly directs drivers into the appropriate lane and I did not notice any confusion amongst drivers during my visit. On this basis, drivers would have passed the proposed sign before needing to move

into another lane and would have adequate time and distance to do so before reaching the junction.

9. Although the highways engineer has referred to seven accidents in the area in the last five year period, the appellant has shown that only two of those took place on this side of the carriageway and that one of those took place at a point further towards the junction than the proposed siting. Given the large volume of vehicles passing the site, there is therefore little evidence of a poor accident record in the immediate vicinity of the proposed sign.
10. In this position and given its moderate size and the limited frequency of image changes, together with the removal of the existing pole mounted banner signs beyond the proposed sign along the site's frontage which would otherwise have resulted in undue distraction alongside this proposal, the sign would not cause a hazardous distraction to drivers when approaching the junction.
11. I conclude then that the proposed advertisement would be acceptable in regard to public safety. The proposal would therefore accord with the Framework and with development plan policies 5 and 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) which together seek to ensure that development does not harm the safety of road users.

Conditions

12. In addition to the five standard conditions, I have attached conditions to control brightness levels, the restriction of moving images, the frequency of image changes and to restrict intermittent illumination. These are necessary given the location adjacent to a busy road to avoid distraction to drivers in the interests of public safety.
13. In regards to brightness levels, the Council has not provided any evidence for requiring that levels are set at 300cd/m² during daytime as well as night time hours which exceeds the generally accepted hours for such a condition. I have therefore altered the time suggested by the Council to night time hours only to reflect that.
14. I have also added conditions to ensure compliance with the plans as amended for clarity and for the removal of the existing signs referred to in the appellant's statement which is necessary in the interests of public safety.

Conclusion

15. For the reasons given above, I conclude that the proposal would not cause harm in terms of public safety and the appeal should be allowed.

Sarah Colebourne

Inspector