



Appeal Decision

Site visit made on 27 January 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/W4223/Z/24/3352076

483 Manchester Road, Oldham OL8 3RB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Oldham Council.
 - The application Ref is ADV/352833/24.
 - The advertisement proposed is an upgrade of the existing 48 sheet advert to support a digital poster.
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Decision

1. The appeal is allowed and express consent is granted for an upgrade of the existing 48 sheet advert to support a digital poster at 483 Manchester Road, Oldham OL8 3RB in accordance with the terms of the application, Ref ADV/352833/24. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and the following additional conditions:
 - 1) There shall be no moving images, animation, video or full motion images displayed.
 - 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide).
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
 - 4) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

- 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of a malfunction, or if the advertisement is not in use.
- 6) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Procedural Matters

2. The Regulations state that powers shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material; and any other relevant factors. The Council raises no objection to the proposal on the grounds of amenity. Given the commercial context of the area, and on the basis of my visit and the evidence before me, neither do I. I have framed the main issue accordingly.
3. My decision also has regard to the latest version of the National Planning Policy Framework, which was published in December 2024 ('the Framework'), including its stance at paragraph 141 that advertisements shall be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is next to a signalised junction with pedestrian crossing facilities, where Hollins Road (the A6104) meets Manchester Road (the A62). The context here is commercial, with uses including a petrol filling station, offices, storage and manufacturing. The advertisement would be the same size as the one it would replace, and it would be in the same position on the gable of the building. However, unlike it, this one would be illuminated, with digital content and images which would change at ten second intervals.
6. From vehicles approaching westbound along Hollins Road the proposed display would typically be viewed in the same field of vision as the traffic signals at the junction, with which it would be roughly in line close to the nearside carriageway. The carriageway here is fairly straightforward, with the left lane being for left turns only, and the two other lanes for right turns on to Manchester Road. Highway signage to the east clearly advises drivers which lane they need to be in well before the junction.
7. Manchester Road is a busy arterial route into the city from Oldham. Approaching from the north-east the proposed display would be seen on the left-hand side of the road beyond the traffic signals at the junction with Hollins Road. The carriageway increases from two to three lanes shortly before the junction, with the left lane dedicated for vehicles turning onto Hollins Road, and the other two lanes for drivers continuing straight ahead on the A62, with no 'U' turns permitted.
8. As with the approach on Hollins Road, the highway layout is fairly simple, forward visibility is good, and there is advance directional signage. The area is also well lit by a combination of street lamps, floodlighting on the nearby commercial yard, and lights associated with the petrol filling station. Consequently, I have no reason to

disagree with the Council's Highways Engineer ('the HE') that there are no particular road safety issues that could be attributed to engineering shortcomings.

9. Having regard to the Highway Safety Report by SLR Consulting Limited ('the HSR'), approaching from the north-east there would be long views of the proposed display from a distance of around 100 metres. It would be located next to the nearside carriageway, where it would often be seen in the context of the totem signs on the petrol filling station forecourt, and in some views it would be behind them and behind the traffic signals. However, the signal heads have backing boards which helps to isolate them and make them more visible to drivers. A condition could also be imposed to ensure that the images displayed do not resemble official road traffic signs or traffic lights.
10. Given the long views of the display from Manchester Road and Hollins Road, drivers would probably witness a change of advertisement on the approach to it. However, those long views would also allow them to assimilate it as part of the surrounding environment. Moreover, luminance levels, minimum display time, and the change between displays could be controlled. Having regard to the stance at ID: 18b-067-20140306 of the Planning Practice Guidance, a display such as this would also be a familiar characteristic that drivers might expect to see travelling along an urban road in a commercial area.
11. Whilst the HE states that the route attracts speeding and poor driver behaviour, I have no cogent evidence to demonstrate that, and the review of collision data at section 3.0 of the HSR concludes that there is not a poor safety record on this part of the highway network.
12. For all these reasons, and subject to the above controls, I am satisfied that the proposed advertisement would not be an incongruous element in the streetscape, that it would not act as a significant distraction to drivers, and that it would not have a significantly harmful impact on highway safety.
13. Policies 5 and 9 of the Oldham Joint Core Strategy and Development Management Policies 2011 set out, amongst other things, the need to promote community safety, including the safety of pedestrians, cyclists and other road users. They are therefore material to this proposal. As I have concluded that the display would not harm highway safety, it would not conflict with their approach; nor with the stance at paragraph 141 of the Framework.

Conditions and conclusion

14. The consent is subject to the five standard conditions in the Regulations. The Council has not suggested any additional conditions in the event that the appeal is allowed. However, as the display would be prominently located at a busy junction, I agree with the appellant that additional controls are necessary.
15. I have therefore considered those suggested at paragraph 4.8 of the grounds of appeal, along with those in its Appendix 5 which are model conditions from the Institute of Lighting Professionals, based on Technical Note No 5 'Brightness of Illuminated Advertisements including Digital Displays'.
16. In the interests of public safety, and so as to ensure that the display would not be a significant distraction to drivers, I have imposed conditions, as suggested, to control the type of images displayed; luminance levels during hours of darkness and

daylight; minimum display times and features; and the interval between advertisements and what shall be displayed in the event of a malfunction or if it is not in use.

17. Summing up, the proposal would not harm the amenity of the area, and subject to those planning conditions, it would not harm highway safety. The appeal is therefore allowed.

Chris Couper

INSPECTOR