



Appeal Decisions

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: 17 February 2025

Appeal A Ref: APP/W4223/W/24/3349131

1 Town Square Shopping Centre, George Street, Oldham OL1 1XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still (In Focus Network Limited) against the decision of Oldham Council.
 - The application Ref is FUL/352701/24.
 - The development proposed is described as the 'installation of a modern, multifunctional Hub unit featuring an integral advertisement display and defibrillator'.
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Appeal B Ref: APP/W4223/Z/24/3349130

1 Town Square Shopping Centre, George Street, Oldham OL1 1XD

- 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 Nathan Still (In Focus Network Limited) against the decision of Oldham Council.
 - The application Ref is ADV/352702/24.
 - The advertisement proposed is described as the 'installation of a modern, multifunctional Hub unit featuring an integral advertisement display and defibrillator'.
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Decisions

Appeal A Ref: APP/W4223/W/24/3349131

1. The appeal is allowed and planning permission is granted for the installation of a multifunctional Hub unit featuring an integral advertisement display and defibrillator, at 1 Town Square Shopping Centre, George Street, Oldham OL1 1XD in accordance with the application Ref: FUL/352701/24, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site 2 A02164 - site plan at 1:1250 scale; block plan at 1:200 scale; and existing, proposed, and communication hub unit images.

Appeal B Ref: APP/W4223/Z/24/3349130

2. The appeal is allowed and express consent is granted for the installation of a multifunctional Hub unit featuring an integral advertisement display and defibrillator, at 1 Town Square Shopping Centre, George Street, Oldham OL1 1XD in accordance with the application Ref: FUL/352702/24. 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) In the hours between dusk and dawn, the advertisement display luminance shall be no greater than 300cd/m².
- 2) The display shall not contain moving, or apparently moving, images; the minimum display time for each piece of content shall be 10 seconds; and the change between each piece of content shall be instantaneous.

Background and Procedural Matters

3. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision. Both appeals concern the same proposal for a multifunctional hub. Notwithstanding the descriptions in my banners, which are taken from the application forms, Appeal A seeks planning permission for the hub itself, whereas Appeal B seeks advertisement consent for the digital display on one of its faces.
4. The latest version of the National Planning Policy Framework was published in December 2024 ('Framework'). I have had regard to it in my decision.
5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 set out 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.
6. The appellant states that the site does not fall within a conservation area, but according to the Council it is located within the Oldham Town Centre Conservation Area ('the OTCCA'). Based on my observations and the Oldham Town Centre Conservation Area plan, I agree.
7. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This applies in respect of the consideration of whether to grant planning permission (Appeal A), and to advertisement applications and appeals (Appeal B) in so far as it relates to the consideration of amenity.
8. In its application report the Council sets out that, in the language of the Framework, the proposal would cause less than substantial harm to the OTCCA. I have therefore addressed the impact on the character and appearance of the area, including the OTCCA, as a main issue.

Main Issues

9. The main issues in Appeal A are the effect of the proposal on:
 - the safety of highway users; and
 - the character and appearance of the area, with particular regard to the OTCCA.

The main issues in Appeal B are the effect of the proposal on:

- the safety of highway users; and
- the visual amenity of the area, with particular regard to the OTCCA.

Reasons

Appeal A

The safety of highway users

10. The site is located outside 1 Town Square, close to a large Boots store, and in a part of the town centre described as the Market Place. It is a busy commercial environment, with a mix of retail and other commercial uses, and an area with a high footfall. That part of the highway closest to the buildings constitutes the footway, which is surfaced with paving slabs, whilst the carriageway, which is surfaced with stone sets and is level with the footway, forms the central section.
11. According to the Council's application report, although Market Place is pedestrianised, the central section continues to be available for use by delivery vehicles at various times during the day, and by all vehicles in the evenings. However, that is at odds with current signage, which indicates that it is a pedestrian and cycle zone only, but that loading is allowed by permit holders and lorries between 17:00 and 10:00.
12. The proposed hub would be at the edge of the footway, orientated perpendicular to the buildings. At 2.6 metre high and 1.3 metre wide, it would be larger than the bollards and metal railings just beyond the site to the east, where there is also a tall black lamp post. At the time of my visit, the large refuse bin depicted on the existing and proposed images was no longer there.
13. The hub would broadly align with the bollards, railings and lamp post, which are located around the edge of the paving slabs, and which help to differentiate the footway from the carriageway. There would be a roughly 3 metre gap between it and the nearest building. Thus, there would be ample space for pedestrians to pass. Although it would impact intervisibility between the footway and the carriageway to a limited degree, the different surface materials, and the street furniture to the east, help to distinguish those areas for highway users.
14. Moreover, whatever the precise restriction, most motorised vehicles are prohibited from entering this part of the town centre for much of the working day. Even at the limited times when they are permitted, given the restrictions and the highway configuration, vehicular movements would typically be modest, and pedestrian footfall would be likely to be less compared to other times. As a result of the highway signage and layout, along with the textured surface materials and their flush profile, it is also reasonable to expect that vehicular speeds would be very low; driver awareness would be heightened; and that drivers would proceed cautiously and with significant care.
15. The lamp posts and the largely glazed shop fronts also ensure that this is generally a well-lit environment after dusk.
16. For all these reasons, whilst the proposed hub could obscure intervisibility between drivers and pedestrians in some views, I am satisfied that it would not have a harmful effect on the safety of highway users.

17. Amongst other things, and in general terms, Policy 9 of the Oldham Joint Core Strategy and Development Management Policies 2011 ('OJCS') sets out that development shall provide for the safety and security of all sections of the community, and that it shall not harm the safety of road users. For the above reasons, the proposal would not conflict with that approach.

Character and appearance

18. The OTCCA is broadly characterised by commercial uses, with a vibrant mix of shop fronts and illuminated advertisements at ground floor level. This part of the wide highway contains a mix of street furniture, including black bollards, lamp posts and railings. Whilst there would be long views of the proposed hub looking along the highway, it would be at street level, and it would be modest in scale compared to the area of open space and the mass of the nearby buildings, many of which have a fairly modern appearance. It would also be seen in the context of the commercial environment, and its dark coloured materials would help to assimilate it with other street furniture.
19. The scheme would not conflict with that part of OJCS Policy 9 which requires development to avoid a significant adverse impact on the visual amenity of the townscape. Having regard to the statutory test, and from the evidence of my visit, I am satisfied that the proposal would preserve the character and appearance of the OTCCA. Thus, having regard to paragraph 215 of the Framework, and unlike the Council, it is not necessary for me to weigh the harm to the significance of designated heritage assets against public benefits.

Appeal B

The safety of highway users

20. The Planning Practice Guidance ('PPG') states at ID: 18b-067-20140306 that whilst all advertisements are intended to attract attention, in considering the effect on public safety, there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality.
21. In its decision on application Ref: FUL/352702/24, the Council refers to the size and siting of the proposed hub, but does not raise any specific concerns regarding the integral advertisement.
22. The advertisement would be on the hub's western face, where it would be clearly visible to drivers and pedestrians. It would display illuminated, static images, which would change automatically at a frequency of not more than once every ten seconds; and a sensor would automatically control lighting levels.
23. Given my findings in relation to Appeal A, and having regard to the site's commercial context, and the presence of many other illuminated advertisements on nearby buildings, I am satisfied that, with restrictions regarding the intensity of illumination, the change between advertisements and their frequency, and the display of moving images, the proposed advertisement would not be a significant distraction such as to have a harmful effect on the safety of highway users, with particular regard to pedestrians.
24. In reaching my decision, I have considered OJCS Policy 9 which, whilst not determinative, is material, in so far as it requires proposals to have regard to highway safety. As I have concluded that the proposal would not harm highway

safety, it would accord with its approach, and with the stance in the PPG and at paragraph 141 of the Framework.

Visual amenity

25. At ID: 18b-079-20140306 the PPG sets out that in assessing amenity, the local characteristics of the neighbourhood shall be considered and if, for example, the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would need to consider whether it is in scale and in keeping with them.
26. Although it refused to grant express consent, the Council has not identified any particular concerns with regards the proposed advertisement. For my part, I agree that in the context of this busy commercial environment with fairly modern nearby buildings, and illuminated shop front signage, this advertisement, which would also be at ground floor level in the streetscene, would not appear out of place.
27. I therefore find that it would not be detrimental to the visual amenity of the streetscene, and that it would preserve the character and appearance of the OTCCA. In reaching my decision, I have taken into account OJCS Policy 9 which, whilst not determinative, is material in so far as it seeks to protect visual amenity. The scheme would not conflict with its approach, nor with the stance in the PPG.

Conditions and Conclusions

Appeal A

28. The Council has not suggested any conditions in the event that the appeal is allowed. However, having regard to the Framework's tests, I consider that as well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans and images.
29. For the above reasons, the scheme would not harm the safety of highway users, or the character and appearance of the area, including the OTCCA, and the appeal is therefore allowed.

Appeal B

30. The proposed advertisement would be acceptable in terms of public safety, and it would not have a harmful effect on visual amenity. The consent is for 5 years and is subject to the five standard conditions as set out in the Regulations, and as suggested by the Council.
31. I have considered additional conditions proposed in the letter from JCDecaux dated 15 April 2024. In the interests of visual amenity and public safety, I agree that conditions are necessary to limit the intensity of illumination, and to control the change between content, the minimum display time, and the display of moving images.
32. Subject to those conditions, and for the above reasons, the appeal is allowed.

Chris Couper

INSPECTOR