



Appeal Decision

Site visit made on 16 December 2024

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/B4215/Z/24/3353952

371 Oldham Road, Manchester M40 8BA

- 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 Manchester City Council.
 - The application Ref is 140078/AOH/2024.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'.
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Decision

1. The appeal is allowed and express consent is granted for two freestanding digital D48 displays in place of the 48 sheet and 96 sheet externally illuminated poster displays at 371 Oldham Road, Manchester M40 8BA in accordance with the terms of the application, Ref 140078/AOH/2024. 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 in 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 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. In my formal decision I have taken the description of the proposed advertisements from paragraph 4.1 of the grounds of appeal, as that more accurately describes them compared to the description in my banner which is taken from the application form.
3. The Regulations are clear that powers should 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. I have considered the appeal on this basis, and I have framed the main issues accordingly.
4. In my decision I have also had regard to the latest version of the National Planning Policy Framework, which was published in December 2024 ('the Framework').

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

6. The appeal site is located on the corner of a junction where Queens Road meets Oldham Road. The context here is largely commercial, particularly approaching along Oldham Road from the east, and between Oldham Road and the railway embankment, where there is a large events venue at The Sheridan, along with other business uses. There are also some nearby commercial uses on the southern side of Oldham Road, including a short terrace of retail premises between the one-way arms of Hulme Hall Lane.
7. Many of the commercial premises in the area display advertisements relating to their respective business. There are also three digital advertising displays nearby on Hulme Hall Lane, as depicted in Image 2.2 of the Highways Technical Note 01 by Axis Limited ('the HTN'), and two further digital displays on Oldham Road just west of the railway bridge.
8. Both proposed displays would be set back from, and elevated above, the adjacent carriageways, with display 'C' on drawing no. 15148/PA/03 facing east, and display D facing south. In that location, display C would generally be seen against the backdrop of the tall walls of the large building at The Sheridan, whilst display 'D' would typically be seen approaching along the western arm of Hulme Hall Lane with a backdrop of fences, the railway embankment and associated infrastructure.

9. Whilst there are streetlamps and road signs in the area, the site itself is open grassland. The digital display on the gable of 622 Oldham Road is on the opposite side of this wide road. Given its location and orientation, in many views, the proposed displays would not be seen simultaneously with it. A poster display immediately to the west of the site would be retained. However, the proposed displays would not give rise to a significant sense of clutter, particularly as, taken together, they would cover roughly a 33% smaller area than the advertisements they would replace. For these reasons, the advertisements' size, scale and siting would not appear out of place.
10. Unlike the existing externally illuminated static poster displays, the proposed replacements would be digital and internally illuminated, with images which would change at ten second intervals. Given their greater brightness and sequential content, I agree with the Council that, compared to them, they would be more visible and would have greater prominence in the streetscape.
11. However, in the context of this busy, well-lit environment, where there are streetlamps, floodlights, and a number of similar displays, that illumination and sequential movement would not be at odds with the area's prevailing character. Moreover, their level of illumination, display time, and speed with which the advertisements change, could be controlled by planning conditions. The scheme would not therefore harm the character and appearance of the area.
12. In reaching my conclusion I have had regard to advice in the Planning Practice Guidance ('PPG'). This states that, in assessing amenity, the local characteristics of the neighbourhood must be considered; and that a large poster-hoarding might be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood¹.
13. I have also considered Policies SP 1 and DM 1 of the Manchester Core Strategy 2012 ('MCS'), Policy E3.3 of the Unitary Development Plan for Manchester ('MUDP'), and Policy JP-S1 of the Places for Everyone Joint Development Plan Document 2024 ('PFEP'). Amongst other things, these require proposals to have regard to local character and to the built environment, and state that the appearance of Manchester's major radial and orbital routes will be upgraded. These policies are therefore material in this case. For the above reasons, the scheme would not conflict with their approach; nor with the stance at paragraph 141 of the Framework regarding the need to ensure that the quality and character of places does not suffer as a result of poorly sited and designed advertisements.

Highway safety

14. Oldham Road, the A62, is a main arterial route into Manchester city centre from the north-east. The proposed signage is located at a busy junction where it is crossed by Queens Road/Hulme Hall Lane, the A6010. These stretches of road are subject to a 30mph speed limit.
15. Display D would be clearly visible to drivers approaching along the one-way arm of Hulme Hall Lane from the south, where it would be on the opposite side of the junction from the traffic lights. In some views, it would therefore be seen behind, or in the same field of vision as, those traffic signals. However, forward visibility in this

¹ ID: 18b-079-20140306

location is good, and the display would not impair sight-lines. Also, of the three lanes, one is for drivers turning left towards the city centre, whilst the other two are ahead only, and the road signage is straightforward. Thus, this is not a complicated junction, with fast-moving traffic, or one where drivers are likely to experience unexpected manoeuvres.

16. Display C would be seen when approaching along Oldham Road from the east, where forward visibility is also good. Whilst vehicles can turn left onto the south bound arm of Hulme Hall Lane before the traffic lights, there is no right turn onto Queens Road, and both lanes of the carriageway at this point are straight ahead only. That highway configuration is clearly set out with a combination of easily understood road signage positioned well ahead of the traffic lights, and carriageway markings. Thus, similar to the situation approaching along Hulme Hall Lane from the south, the junction is uncomplicated, and the display would not obstruct or impair sight-lines.
17. According to the HTN, and based on accident data provided by Transport for Greater Manchester, the road safety record for the most recent five year period shows that there have been nine accidents around this junction, as illustrated in Image 2.3, with the full data provided at Appendix B. However, given the volume of traffic, I have no reason to doubt that the average of 1.8 accidents per year for such a location is relatively good, and none of those accidents recorded driver distraction as a contributory factor.
18. Having regard to the advice in the PPG², whilst this is a junction where drivers need to take care, given the context of the area, the proposed digital displays would not draw the eye as incongruous features, but would instead be familiar characteristics that drivers might expect to see travelling along an urban road in a predominantly commercial area such as this.
19. In order to prevent significant driver distraction matters relating to the advertisements' level of illumination, display time and speed of change, and the type of images displayed, including the prevention of moving images and images resembling highway signs, could be controlled by planning conditions.
20. As MUDP Policy E3.3 addresses the appearance of the City's major roads, and PFEP Policy JP-S1 addresses sustainable development and climate change they are of little or no relevance on this issue. However, MCS Policies SP 1 and DM 1, and MUDP Policy DC15 are material insofar as they require development to consider community safety, and set out the need to consider public safety resulting from the positioning and design of advertisements. For the above reasons, the proposed freestanding digital D48 displays would not harm highway safety, and the proposal would not conflict with their approach.

Conditions and conclusion

21. The consent is subject to the five standard conditions in the Regulations. In the appeal questionnaire, the Council states that no other conditions are necessary, although in its consultation response to the application the Highways Department did suggest additional conditions.

² ID: 18b-067-20140306

22. As these would be digital displays, which would be in a prominent location at a busy road junction, I agree with the appellant and the Highways Department that additional controls are necessary in the interests of amenity, and in the interests of public safety so as to ensure that the displays would not act as a distraction to drivers. I have therefore imposed the additional suggested conditions 8 to 13 as set out in Appendix 5 of the Grounds of Appeal, which I understand have been standardised by the Institute of Lighting Professionals, based on its Technical Note No 5 'Brightness of Illuminated Advertisements including Digital Displays'.
23. For the reasons outlined above, and having regard to all other matters raised, the proposed freestanding digital D48 displays would not harm the character and appearance of the area, or highway safety, and the appeal is therefore allowed.

Chris Couper

INSPECTOR