



Appeal Decision

Site visit made on 24 October 2017

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2017

Appeal Ref: APP/P4225/Z/17/3180312

2-4 Halifax Road, Rochdale, Manchester OL16 2NL

- 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 Paul O'Sullivan (Insite Poster Properties Limited) against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 17/00346/ADV, dated 15 March 2017, was refused by notice dated 31 May 2017.
 - The advertisement proposed is replacement of 2no. externally illuminated 48-sheet advertising displays with a digital LED advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of a digital LED advertising display 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 digital LED advertising display permitted by this consent shall be no greater than 150 candelas/m² in the hours of darkness.
 - 2) The display shall not change more than once every 10 seconds and the use of message sequencing for the same product is prohibited.
 - 3) There shall be no special effects (including noise, smell, smoke, animation, moving images, full motion images, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Procedural Matter

2. The appeal form description of development is different from that on the application form, inserting '1.8m high chain link fencing'. Fencing is development that cannot be controlled through the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Accordingly, it cannot be included as part of this proposal and I have removed this reference from the description of the advertisement.

Main Issue

3. The main issue is the effect of the development upon the amenity of the area.

Reasons

4. The site is to the east of a busy main road in Rochdale and currently features 248 sheet illuminated hoardings which face opposing directions. On the day of my visit, the advertisements were in a dilapidated state, with paper hanging off revealing the previous advertisement.
5. The area has a mixed urban character, featuring commercial properties, a fire station, residential flats and some light industrial units behind. There are numerous illuminated advertisements and traffic signals in the area. The Council raises no issues in relation to public safety.
6. The proposal is to replace the advertisements with one illuminated digital LED display. The advertisement would feature a static two-dimensional display on rotation, typically changing every 10 seconds, the transition between advertisements being instantaneous. The advertisement would be in a slightly different position to the existing south west facing sign, around 1.9m closer to Halifax Road and rotated about 20 degrees clockwise.
7. The advertisement proposed would differ from those existing, having a digital LED display that changes images and is constantly illuminated. However, both existing and proposed advertisements are the same size and sited in a similar location. Based on the appellant's evidence and suggested conditions, the constant illumination would be at relatively low luminance levels, being half the maximum permitted recommended luminance levels¹ at night, and a lesser luminance than the current advertisement. Daytime illumination is required as the method in which to transmit the LED advertisement and I do not find that the constant illumination of the sign, particularly at the luminance levels proposed would be harmful to the amenity of the area.
8. Furthermore, whilst the changing images would occur every 10 seconds, the change would be instantaneous. I find that this would have no greater effect upon amenity than the current advertisements.
9. Consequently, given that one advertisement is being removed, the mixed character of the area and my findings above; the replacement advertisement would have an acceptable effect upon the amenity of the area. Indeed, it could even be seen as an improvement owing to the rundown appearance of the existing advertisements.
10. Likewise, I also find that the proposal would have no detrimental effect upon the amenity of the residential properties. The proposed facing position would be at an oblique angle to the neighbouring dwellings, which are sited across a busy main road that has other sources of constant illumination. Moreover, subject to the imposition of a condition, the luminance levels would be reduced to 150 cd/m² at night.
11. I have taken into account policies DM1 and P3 of the Rochdale Adopted Core Strategy (October 2016) and the National Planning Policy Framework, in so far as they refer amenity, and so are material in this case. Given I have concluded

¹ Institute of Lighting Professionals 'The Brightness of Illuminated Advertisements' (PLG05, 2015), Recommended Lighting Levels

that the proposal would not harm amenity; the proposal does not conflict with these policies.

Conditions

12. I will condition this consent with the standard conditions required by the Regulations. Furthermore, in the interest of amenity, I consider that the luminance shall be controlled in the hours of darkness and daylight, and controls relating to moving images, the frequency of changes and special effects are also necessary in the interest of highway safety.

Conclusion

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

Katie McDonald

INSPECTOR