



Appeal Decision

Site visit made on 3 August 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/P4225/Z/20/3255566

Car Park, East Gate Street, Rochdale OL16 1DT

- 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 Chris Thomas, on behalf of Vision Advertising, against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 19/01093/ADV, dated 17 September 2019, was refused by notice dated 19 June 2020.
 - The development proposed is replacement of existing double-sided 48 advertising displays and three nearby advertisements with a new double-sided internally illuminated 48 sheet digital advertising display units in the same orientation and location.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed advertisement on the visual amenity of the area, and linked to that, whether it would preserve or enhance the character or appearance of the Town Head Conservation Area (CA) and preserve the setting of nearby listed buildings.

Reasons for the Recommendation

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
5. The appeal site is situated within a car park adjacent to Whitehall Street and St Mary's Gate (the A58). The A58 is a busy main road and is part of the strategic highway network. The site is close to a traffic light-controlled crossroad junction with St Mary's Gate, John Street and Whitworth Road. Within the street scene there are a mix of building types, including large warehouse style

¹ Paragraph: 079 Reference ID: 18b-079-20140306

buildings associated with Dunelm and United Carpet and Beds. There are also smaller retail units and residential properties.

6. The site is located within the CA, albeit to the edge. It is also within the setting of Grade II listed buildings; 20 East Gate Street and 1 and 3 Whitehall Street and the Ukrainian Catholic Church of Saint Mary. The Church is a landmark building which is particularly striking in the street scene and makes a positive contribution to the area. A key characteristic is its location at the top of the hill along with its scale and design. It is an early 19th century, former Anglican Church of St James, constructed of ashlar with a slate roof. It has a three stage castellated tower with crocketed pinnacles, clock in the second stage and openings within the bell stage.
7. The listed building located on East Gate Street and Whitehall Street is less prominent and has a less direct visual relationship with the site of the advertisement due to its position on a side street. It has three-storeys with seven bays to Whitehall Street and four to East Gate Street with stone plinths, cornicing and sash windows. On my site visit I observed that it had visible signs of neglect including damaged windows.
8. From the evidence before me, the CA is characterised by Georgian architecture with commercial and residential buildings. The Church is one of the most prominent buildings within the CA. The Council acknowledge that the quality of the CA has been eroded through a series of unsympathetic alterations and therefore they state that it is paramount that new development enhances the area.
9. I observed on my site visit that when viewed from the appeal site there are limited buildings which positively contribute to the CA, other than the Church. This is largely due to the fact that the CA is centred around Yorkshire Street and views into the core of the CA are limited from the appeal site.
10. The development seeks to replace the existing hoarding with an internally illuminated advertisement. The size, height, orientation and position of the display would not alter. Thus, the main issue to consider is the effect of the illumination.
11. On my site visit I observed that there are other advertisements within the surrounding area which do not enhance the character or appearance of the CA. In general, the advertisements are not illuminated. I did note that the 96-sheet and 48-sheet static advertisement panels adjacent to St Mary's Gate were externally illuminated. Nonetheless, I consider that the appeal proposal cannot be directly compared to these advertisements as it is situated within the setting of listed buildings. Furthermore, due to its orientation and as it is freestanding, it is more prominent when travelling in both directions along the A58.
12. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where there is less than substantial harm, this harm

should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

13. Travelling along the A58, in an easterly direction, the existing and proposed advertisement negatively interrupts the principal elevation of the Church. Whitehall Street, adjacent to the side elevation of United Carpet and Beds is a one-way street, so traffic would be heading away from the Church and hoarding. Nonetheless, there is a pavement adjacent to the road, hence the existing and proposed advertisement is seen within the context of the Church by pedestrians.
14. As a result of the A58 being a busy main highway, traffic is likely to be stationary at the traffic lights for a reasonable length of time. The changing of advertisements would attract attention and would detract from the Church and CA. Whilst a static advertisement in this location is established, the proposal would introduce a more visually intrusive and dominant form of advertising. The modern advertisement would be an unsympathetic addition. The illumination and changing images would result in a more prominent display, particularly during hours of darkness.
15. There is less impact on the setting of the listed building at East Gate Street and Whitehall Street due to the position of the buildings on a side street which results in a less direct visual relationship when compared to the way the sign is seen in the context of the church.
16. I note that conditions relating to illuminance levels and the display of advertisements could be imposed, as suggested by the appellant and highway authority. I also recognise that in the hours of darkness, the highway would be generally well lit from street lighting and headlamps of traffic. Nonetheless, I consider that the proposed advertisement would draw more attention than the existing static advertisement including during the daytime. I am not satisfied that conditions could adequately overcome the harm.
17. The harm arising would be less than substantial, given the existing hoardings and character of the area, nonetheless it is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. The appellant affirms that they would remove three nearby panels as a condition of consent. This would be a significant benefit to the area as it would declutter the proliferation of advertisements. However, the panels proposed to be removed are not within the setting of the listed Church.
19. Additionally, the appellant states that the advertisement would offer information, contribute to the economic health of the country, eliminate the need for weekly visits thus reducing vehicle miles and can be easily removed without trace. Whilst I do not dispute these benefits, there is nothing before me to indicate that similar benefits could not be achieved by siting the advertisement in a more sensitive location without causing harm to the designated heritage assets. In any event, the benefits arising from the proposal would be limited in scale and would not justify or outweigh the harm to the heritage assets that I have identified, as required by the Framework.
20. For the reasons given above, I find that the proposed advertisement would harm the visual amenity of the area including the setting of the Grade II listed

Church and would not preserve or enhance the character or appearance of the CA. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would cause visual harm to the street scene, and heritage assets, the scheme would not meet with the aims of Policies P2 and P3 of the Rochdale Adopted Core Strategy (2016) saved Policy BE/17 of the Rochdale Borough Unitary Development Plan (2006), or paragraph 132 of the Framework.

Other Considerations

21. I acknowledge that the Council previously granted consent for an externally illuminated 'Ultravision' panel at the appeal site². However, these were granted over 20 years ago. The context of the site and planning legislation, policy and guidance has evolved since these consents. Furthermore, the current advertisement is not illuminated. The appellant asserts that the Council would consider the proposal to be acceptable if it was moved a few metres to the south. However, I must consider the appeal proposal before me.
22. The appellant has referred to an appeal decision in support of their proposal³. The appeal relates to a replacement advertisement in the vicinity of listed buildings. The advertisement was already internally illuminated and located in Stockport. Therefore, the context of the appeal site and listed buildings differs to the scheme before me. Consequently, the circumstances that applied in that case cannot be directly compared to the proposal before me.

Conclusion and Recommendation

23. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR

² 98/A4773 and 99/A4908

³ APP/C4235/Z/19/3222018