



Appeal Decision

Site visit made on 20 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/P4225/Z/23/3315279

Land to the South of Water Street, Rochdale OL16 1TL

- 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 Wildstone Securities Limited against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/01205/ADV, dated 23 August 2022, was refused by notice dated 9 December 2022.
 - The advertisement proposed is replacement of two double sided advertising hoardings with one double sided internally illuminated digital advertising hoarding and removal of two further double sided advertising hoardings.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of two double sided advertising hoardings with one double sided internally illuminated digital advertising hoarding and removal of two further double sided advertising hoardings at Land to the South of Water Street, Rochdale, OL16 1TL 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 additional conditions set out in the attached Schedule.

Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Rochdale Core Strategy (CS), adopted October 2016, considered to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policies P2, P3 and DM1 of the CS. I have taken the policies into account as material considerations in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
3. Where relevant, possible effects on designated heritage assets have been considered. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In advertisement appeals this is only in so far as it relates to amenity. The Council has also referred to the effect on the setting of nearby listed buildings. The requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent because that statutory duty only applies to the consideration of grant of planning permission or permission in principle

under the Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I, therefore, necessarily take account of the presence of nearby listed buildings and non-designated heritage assets in considering the impact on amenity.

4. The proposal was subject of revised plans submitted in November 2022 before the Council made its decision. The revised plans altered the originally submitted proposals which included removal of existing externally illuminated double sided billboards that based on the evidence before me have been in place for over 10 years. The advertisement displays to be removed were identified on the original plans as 'A' and 'B' with existing billboards 'C' and 'D' to be removed and upgraded with a digital equivalent. The revised plans instead remove 'C' and 'D' that are closer to the Grade II listed Waterside House and the boundary of the Rochdale Town Centre Conservation and alternatively replace the existing billboards 'A' and 'B' with the proposed advertisements denoted on the plans as 'E' and 'F'. I necessarily determine the appeal on the basis of the proposed advertisements in the revised plans which were refused express consent by the Council.

Main Issue

5. The main issue is the effect on amenity, including the character, appearance and significance of the nearby Rochdale Town Centre Conservation Area and the settings of the Grade II listed Waterside House, and No. 10 Water Street, a non-designated heritage asset.

Reasons

6. The appeal site consists of land to the southern side of Water Street which currently comprises a car parking area and two existing externally illuminated double sided 48 sheet freestanding paper advertising displays. The site is located on the outside of a gentle curve of Water Street with the immediate surroundings on the opposite side of the road consisting of commercial premises with various shopfront and gable end advertisements. Land levels gently rise towards the junction with Drake Street to the west. The site lies outside of, but is relatively close to, the Rochdale Town Centre Conservation Area (CA) to that aspect.
7. The significance of the CA is derived primarily from the many buildings of architectural and historic interest which make a positive contribution to the character and appearance of the area. Such buildings in Water Street include Waterside House, a Grade II listed building with architectural and historic interest arising from its original purpose as an engine house and warehouse range of Water Street Mill, an early steam-powered woollen mill. The listed building is on the opposite side of the road and to the west of the appeal site. No. 10 Water Street is located at the junction with Baron Street and identified as a non-designated heritage asset. Those buildings on each side of the road provide a prominent entrance to the CA as part of a clear transition to denser and taller historic town centre buildings further along Water Street and facing Drake Street beyond, when compared with the more modern commercial setting that lies close to and surrounds the appeal site.
8. The proposal comprising a double sided 48-sheet LED digital display unit to replace two existing double sided externally illuminated 48-sheet billboards

would both reduce the number of advertisements displayed along this section of Water Street and increase the existing separation distance between advertisement displays and the CA, listed building and the non-designated heritage asset. In such circumstances the proposed displays would not have an adverse effect on the character and appearance of the area given their similar size, scale and siting to one of the existing double sided billboards. In fact, the proposal would have a beneficial effect in terms of reduction of visual clutter along the southern side of Water Street and increasing the current separation distance between advertisement displays and heritage assets. The necessary removal of the existing advertisement displays to achieve that outcome is capable of being secured by condition.

9. With regard to the above, I observed that the proposed advertisement when viewed at distance from Molesworth Street would sit primarily against the backdrop of existing trees rather than buildings within the CA. In addition, from closer vantage points in Water Street the display would not obscure views of the listed building when approaching in either direction nor detrimentally impact upon how the historic and architectural qualities of its well detailed decorative facade or that of the non-designated heritage asset would continue to be experienced in their surroundings. This would be assisted by the increased separation distance between the heritage assets and illuminated 48-sheet advertisements as arising from the proposal and the prominent backdrop of more modern buildings to the north of Water Street when approaching the site from both Molesworth Street and alternatively from the junctions with Drake Street and Baron Street. In addition, the proposed internally illuminated LED display would be largely screened from viewpoints from Robinson Street due to differences in land levels and intervening tree screening and it would also be sufficiently distant from properties beyond to ensure no affect upon amenity of their occupiers.
10. The LED internally illuminated nature of the proposal with changing of static advertisements displayed would differ from the existing externally illuminated static advertisement billboards and would likely draw the attention of road users and passers-by to a greater degree. However, for the reasons previously given, it would not appear unduly prominent, dominant or out of place as proposed in this particular location. It rather would respond appropriately and assimilate with the existing modern commercial nature of the locality of Water Street on the eastern approach to the CA which forms part of its setting and that of the listed building and the non-designated heritage asset. I, therefore, find no harm to amenity arising from the proposed advertisement displays, including as part of the setting of listed buildings and non-designated heritage assets contributing to the significance and special interest of the nearby CA.
11. In reaching the above findings, I have taken into account that in addition to the standard conditions, the appellant has expressed a willingness to accept other additional conditions. These include: the use of a light sensor to restrict levels of illumination during hours of darkness to no greater than 300 candelas per sq.m (cd/m²) whilst responding to ambient light levels and not exceeding Institute of Lighting Professionals (ILP) guidance at any other time; static images to be displayed only (no moving or flashing images); advertisements to change no more frequently than once every ten seconds, and changes between adverts to take place instantly with no sequencing fading, swiping or merging of images. Additional conditions in those respects are required to ensure that the standalone double sided LED advertisement display would assimilate

appropriately with its commercial surroundings where a variety of advertisements are established features.

12. Having regard to all of the above, I conclude that the proposed advertisement displays would not harm amenity, including the character, appearance and significance of the nearby Rochdale Town Centre Conservation Area and the settings of the Grade II listed Waterside House, and No. 10 Water Street, a non-designated heritage asset. The proposal, therefore, does not conflict with Policies P2, P3 and DM1 of the CS or the Framework in so far as they are material to such matters.

Other Matters

13. The Council have raised no specific issues in relation to public safety and I have no reason to disagree. The position of the advertisements, although relatively close to Water Street a well-lit route into the town centre, would not obstruct or impair sightlines when travelling on the westbound or eastbound carriageways. The double-sided advertisement display would sit on the outside of a gentle curve of the highway which has adequate forward visibility in both directions. As such the LED illuminated displays would not be unduly distracting given the respective significant distances to traffic signals and signs at the junction with Drake Street and the junction with Molesworth Street. In reaching that view I have taken into account that necessary controls on levels of illumination, and the type and frequency of images displayed can be secured by conditions in the interests of highway safety to avoid glare, dazzle or undue distraction to passing motorists.

Conditions

14. As previously mentioned, conditions in addition to the five standard conditions set out in the Regulations are necessary in the interest of amenity and public safety. Whilst the conditions broadly reflect those suggested by the Council if the appeal is allowed, where necessary I have amended the detailed wording to ensure that the conditions are consistent with paragraph 56 of the Framework. In that regard, the additional conditions necessarily imposed in the interests of amenity or public safety relate to: removal of the existing advertisements within the site as identified on the revised plans before installation of the digital advertising unit; illumination levels to not exceed 300 cd/m² during hours of darkness with light sensor used to respond to ambient light levels and to not exceed the thresholds contained within the ILP guidance at any other time; controls on use of and type of static images with changes no more frequent than every ten seconds and no visual effects; instantaneous changes of display and the inclusion of a safety feature that will turn the screen off if a malfunction occurs.

Conclusion

15. For the reasons given above, I conclude that the display of the proposed advertisements would not be detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The advertisement unit hereby granted consent shall not be used to display advertisements until the removal of the existing double sided 48-sheet advertisement hoardings facing Water Street has taken place in accordance with the following plans as submitted by 14 November 2022:

Site Location Plan. Drawing no: 15613 PA 01.

Existing Site Plan. Drawing no: 15613 PA 02.

Proposed Site Plan. Drawing no: 15613 PA 03. Rev: 01

Existing and Proposed Elevations. Drawing no: 15613 PA 04. Rev: 01.

Existing and Proposed Elevations. Drawing no: 15613 PA 05. Rev: 01.

Existing and Proposed Elevations. Drawing no: 15613 PA 06. Rev: 01.

Existing and Proposed Elevations. Drawing no: 15613 PA 07. Rev: 01.

- 2) The intensity of the illumination of the advertising unit and display permitted by this consent shall be no greater than 300 cd/m² during hours of darkness and the panel shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels. At no time shall the Luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements (or any subsequent amendment/replacement to this guidance).
- 3) The advertisements displayed on the screen shall contain static and two dimensional images only with no moving or apparently moving images, devices, wording or emblems; and shall not depict any images that resemble road signs or traffic signals. In addition, the displays shall not change more than once every ten seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
- 4) There shall be no additional effects (including, but not limited to: audio, odours, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind, at any time.
- 5) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transactions) between successive displays.
- 6) The display shall at all times maintain a safety feature that will turn the screen off (i.e. shows a black screen) in the event that the display experiences a malfunction or error.

END OF SCHEDULE