



Appeal Decision

Site visit made on 10 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/P4225/Z/23/3321610

Land at Union Street Car Park, Overlooking Saint Mary's Gate, Rochdale OL16 1AY

- 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 Steve Staley of Vision Advertising against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/01607/ADV, dated 22 December 2022, was refused by notice dated 29 March 2023.
 - The advertisement proposed is a 48 sheet sized digital advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 48 sheet sized digital advertising unit on land at Union Street Car Park, Overlooking Saint Mary's Gate, Rochdale OL16 1AY. 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 conditions set out in the attached Schedule.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to the appeal and I have taken them into account as a material consideration. However, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the proposal on amenity with particular regard to whether it would preserve or enhance the character or appearance of the Town Head Conservation Area.

Reasons

4. The appeal site forms part of a public car park within the Town Head Conservation Area (CA) which forms part of Rochdale Town Centre. As set out by the Council, the significance of the CA is embodied within the rich Georgian townscape it contains.
5. The proposed advertisement would be angled so that the display would be viewed from Saint Mary's Gate, a well-lit, busy urban dual carriageway which lies outside of the CA. Saint Mary's Gate is predominantly commercial in

character and includes very large directional road signs as well as a great amount of street furniture. In addition, there are many other advertisement signs close to the appeal site, including two digital units of similar dimensions to the appeal proposal. Furthermore, two existing non-illuminated double-sided paper and paste billboards of similar dimensions to the appeal proposal are located within the same public car park as the appeal site. Consequently, billboards, both digital and traditional, form part of the existing character of the area.

6. The intention is to remove the existing two non-illuminated billboards from the car park as part of the proposal which would, overall, reduce the number of large-scale signs in both the CA and the wider area. Whilst it would be sited in a position close to the other two digital units, in such a well-lit and predominantly commercial urban setting the scale and appearance of the proposal would not dominate the street scene. Furthermore, the cumulative impact of digital signage would not be such that it would lead to a harmful proliferation of advertisements or create unacceptable street clutter.
7. The buildings and spaces that are near to the appeal site do not positively contribute to the character or appearance of the CA. Moreover, the appeal proposal would be viewed in the context of Saint Mary's Gate in a position where the Georgian townscape of the CA, centred around its core on Yorkshire Street, cannot be seen. Accordingly, the appeal proposal would not harm the character or appearance of the CA.
8. The appeal site does not lie within the setting of the Grade II listed Ukrainian Catholic Church of Saint Mary. Whilst views of the Church are possible along Saint Mary's Gate from the appeal site, due to the highway paraphernalia, advertisements and modern commercial buildings that already exist between it and the listed building, the introduction of the proposal would not be harmful to such views.
9. Accordingly, for the above reasons, the proposal would not harm amenity and would preserve the character and appearance of Town Head Conservation. There would, therefore, be no conflict with Policies P2, P3 and DM1 of the Rochdale Adopted Core Strategy (2018) or the National Planning Policy Framework which together seek to protect and enhance character, landscape and heritage.

Conditions

10. The five standard conditions set out in the Regulations are necessary, however such conditions do not need to be repeated in this decision.
11. Both the Council and appellant have suggested several additional conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording in the interests of clarity and to avoid duplication.
12. Conditions are required to control elements of the advertisement's display and brightness in the interests of amenity and public safety. Furthermore, a condition is required to secure the removal of the two existing paper and paste billboards in the interest of amenity and to preserve the character and appearance of the CA.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The digital advertising unit hereby granted consent shall not be installed until the two existing double-sided 48 sheet displays, as identified on RSMWCS1REV1 Site Plan Current Layout, have been completely removed from the site.
- 2) The maximum level of luminance of the advertisement sign hereby permitted shall not exceed the relevant thresholds contained within the Institute of Lighting Professionals guidance document 'Professional Lighting Guide 05 – the Brightness of Illuminated Advertisements' 2014, or any guidance updating or replacing it, and shall not exceed 3000 candelas per square metre between sunrise and sunset and 300 candelas per square metre between sunset and sunrise.
- 3) The advertisements displayed on the digital advertising unit hereby granted consent shall:
 - contain static and two-dimensional images only;
 - not include moving, or apparently moving, images, devices, wording or emblems;
 - not depict images that resemble road signs or traffic signs or traffic signals;
 - include no additional effects (including, but not limited to audio, odours, smoke, flashing, scrolling, intermittent or video elements).
 - not change more than once every 10 seconds;
 - not involve message sequencing for the same product; and
 - not include features or equipment which would allow interactive messages or advertisements to be displayed.
- 4) 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.