The Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/P4225/Z/21/3274356
Land on the north east side of Mellor Street, Rochdale OL12 6AA

- 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 Estates Limited against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 21/00014/ADV dated 18 December 2020 was refused by notice dated 10 March 2021.
- The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations, National Planning Policy Framework and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policy P2 of the Rochdale Adopted Core Strategy October 2016 (the Core Strategy) and Saved Policy BE/17 of the Rochdale Borough Unitary Development Plan June 2006 (the UDP). These policies seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site comprises land on Mellor Street, just within the Spotland Bridge Conservation Area (CA). The area is characterised primarily by the surrounding commercial uses, but the traditional Grade II Listed Mellor Street Bridges adjacent to the site remain a key characteristic in the immediate context.

6. The proposal would replace the freestanding, externally illuminated advert currently at site, which the appellant states has been in place for over 10 years

and benefits from deemed consent. While the orientation and dimensions of the proposed advert would match the existing, it would be in a more elevated position, its base being 2.8m above the ground.

7. The advert would be experienced when entering the CA from Mellor Street. While it would face outward from the CA into a car park, it would be within it, near the access point. My duty under section 72(1) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. This part of the CA is defined by a predominantly commercial character. Industrial units and associated signage are clearly visible. The approach along Mellor Street is similarly commercial, with further examples of such units and signage, and a cluster of six poster displays.

8. Nonetheless, adverts of this nature are not a characteristic of this section of the CA or the surrounds. It would be notably larger than much unit signage. Although its scale would match nearby adverts, the internal illumination would add more prominence than the external lighting at these displays. While street lighting is also present, the illumination this provides is substantially different to that which would be introduced by the scale of the proposed advert.

9. Overall, the advert would appear as unduly dominant and visually jarring in the vicinity. The proposal would therefore cause visual harm to a designated heritage asset due to the relationship between the site and the immediate character of the CA. By nature of its siting and appearance, it would therefore fail to preserve or enhance the character or appearance of the CA.

10. The advert would also be experienced in the context of the adjacent bridges within the CA. Whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, the bridges clearly contribute to the character of the area. They provide a break in the commercial surrounds, being a more traditional style of development. Due to the wide highway and the open space behind the structures, the bridges are readily visible and appreciated in this direction as an attractive and positive feature at the entrance to the CA.

11. Consequently, regarding the effect of the proposal on the amenity of the area, their presence is a material consideration. While the advert would face away from the bridges, it would form part of the environment in which they are experienced. Due to its digital display it would appear overtly modern in comparison. Its illumination and elevated position in comparison with the existing would visually compete with the bridges, detracting from their character and drawing attention away from them to a much greater degree than the existing advert at site. This would be harmful to the visual amenity of the area and the setting of the bridges.

12. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would harm amenity, it conflicts with Policies P2 of the Core Strategy and Saved Policy BE/17 of the UDP, as well as the provisions of the National Planning Policy Framework, which seek to promote good design.

Other Matters

13. The appellant has highlighted some benefits of the proposal. It would meet the modern advertising requirements and upgrade the appeal site. It would reduce

vehicular movements needed for reposting and would remove the need for printed posters. The appellant also states that it could be used for non-commercial purposes and emergency messages as well as local advertising. Further, it is claimed that it would assist in reducing the number of advert displays and enable the Council to meet Smart City objectives, although there is little substantive evidence in this regard. These benefits are limited and do not attract sufficient weight to outweigh the harm identified.

14. The appellant has suggested conditions to ensure that the sequencing, luminance and nature of the images displayed would be in line with industry standard. However, given the surrounding context, such measures would not be sufficient to avoid the harm to visual amenity identified.

15. Reference is made to other examples of advertisements across the country. However, limited information on these adverts or their comparability to the proposal is provided. In any event, the appeal must be assessed on its own site specific circumstances and reference to other development elsewhere carries little weight.

16. The appellant highlights the agreement of the parties that the advert would not have a significant adverse effect on highway safety. This is acknowledged but represents a lack of harm, which is a neutral matter that does not weigh in favour of the proposal.

Conclusions

17. Having had regard to all matters raised, I conclude for the above reasons that the appeal should be dismissed.

C Rafferty

INSPECTOR