

APPEAL STATEMENT

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Site Address: 431 Halifax Road, Rochdale, OL12 9AA

Proposal: Conversion of billboard advertising display to D48 slimline digital advertising display

Wildstone Ref:	11668
Local Planning Authority:	Rochdale Metropolitan Borough Council
Application Ref:	24/00962/ADV
Date:	March 2025
Author:	RXP

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1 Introduction and Summary

- 1.1 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.
- 1.2 The appeal is made by Wildstone Estates Limited against the decision of Rochdale Council (the Council). The application ref: 24/00962/ADV, dated 26 September 2024, was refused by notice dated 4 February 2025.
- 1.3 Copies of the application made to the Council, the decision notice, officers report, and any supporting documents are enclosed separately with this submission.
- 1.4 The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative effects¹.
- 1.5 The proposal was refused under Officer's delegated powers on the grounds of negative impacts upon amenity. The Council consider the proposal to acceptable regarding public safety.
- 1.6 The Council commented as follows in their reason for refusal:

'The proposed advertisement would be sited in a prominent location, directly adjacent to Halifax Road, a high-trafficked classified road. By virtue of its size, siting and its digital display format, the proposed advertisement would appear visually strident and obtrusive against the street scene and would result in harm to the amenity of the surrounding area'.

- 1.7 The Council provides further detail and information within the accompanying officer report.

2 Site and Surroundings

- 2.1 The application site comprises two small parcels of land; the southern parcel is occupied by a single 48-sheet advertising display and the northern parcel is occupied by two 48-sheet advertising displays. All three displays are visible from the Halifax Road. The southern section of the site lies adjacent to the gable wall of 431 Halifax Road and the A58 Halifax Road, whilst the northern section lies adjacent to the corner of Bridge Street and Halifax Road. Within the immediate and surrounding area lie local shops, businesses and residential properties. To the south of the site is The Bulls Head public house which also hosts a roadside advertising display.
- 2.2 The site and surrounding area is characterised by mixed land use which comprises advertisements, the Halifax Road, a mini roundabout, and The Bulls Head public house. As with the consented D-Poster display in the north parcel of the site, and the existing digital display further north operated by Alight Media, the proposed D-Poster would be suited to its immediate environment and successfully integrate to the site location and surrounding area.

¹ National Planning Policy Framework, Paragraph 141

3 Appeal Proposal

- 3.1 Within the site's southern parcel the proposal seeks to replace a longstanding 48-sheet paper and paste billboard display which operates under Class 13 deemed consent, with a D-Poster slimline digital display. The proposed D-Poster would also replace and supersede a D-Poster recently consented under ref: 24/00513/ADV on 30 May 2024 (**Appendix 1**) within the site's northern parcel, to the immediate north east; see **Figure 1** below. The proposal would not therefore lead to any increase in advertising at the site location. The proposal effectively seeks to relocate the extant express consent for a D-poster display c. 40m south to the site's southern parcel.
- 3.2 Should express consent be granted for the extant D-Poster proposal, with the panel then built out, the consented D-Poster within the sites northern parcel would not be built out. This would be secured by planning condition.
- 3.3 The proposed D-Poster has the same dimensions as a standard 48-sheet hoarding and the consented D-Poster, measuring 6m(w) x 3m(h) x 0.1m (d) and will be positioned 2.5m above ground. The D-Poster will comprise the latest technology and will be lightweight, durable, efficient and easily erected with minimal engineering.
- 3.4 The images produced by the D-Poster display will mimic that of the traditional poster and paste display it is to replace, as demonstrated at **Appendix 2**, and just as with the consented D-Poster display.
- 3.5 The proposed display will meet modern industry requirements and will be capable of displaying six advertisements at a time, sequencing every 10 seconds. The ability to carry multiple adverts will cater for the demand in this area and reduce the pressure for new locations.



1.

Figure 1: The proposed D-Poster (red panel) will replace and update the existing billboard (yellow panel) within the site's southern parcel. The consented D-Poster (purple panel) within the site's northern parcel will not be built out.

4 Conditions

- 4.1 All advertisements are subject to the five standard conditions set out in the Regulations. The vast majority of digital advertisement consents now also operate within an established set of parameters that include controls over the level of luminance and the proposed speed and rate of change between adverts. These 'industry standard' conditions have evolved over time, in order to address common concerns relating to amenity and public safety.
- 4.2 D-Poster displays operate with a system of threshold controls, timers, and light sensors to ensure that the luminance never exceeds the Institute of Lighting Professional's (ILP) 2023 guidelines held within Technical Note 5 'The Brightness of Illuminated Advertisements including Digital Displays' (BIADD). The BIADD document provides model conditions for digital illuminated displays to which the proposed D-Poster would adhere. The model conditions also form the basis for the proposal's 'Recommended Conditions' which are set out in **Appendix 3**.

5 Planning Regulations and Policy

- 5.1 The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations"). Regulation 3 states that advertising should be controlled in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, in addition to any other relevant factors.
- 5.2 The National Planning Policy Framework 2024 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. In accordance with Paragraph 141 of the National Planning Policy Framework (NPPF) advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

6 Grounds of Appeal

Site

- 6.1 The site is a longstanding location for advertising, having supported the display of content for over 65 years at the southern parcel. The single 48-sheet display within the southern parcel operates under Class 13 deemed consent, with its first indicated usage dating back to April 1955, establishing the principal and acceptance of large format advertising as a roadside feature at this location. The recent grant of express consent (ref: 24/00513/ADV) for a D-Poster display at the northern parcel of the site further establishes the acceptance of large format digital advertising within the immediate area. Moreover, as the proposal is a simple upgrade from a billboard format to D-Poster format, there would be no increase in advertising at the site.

Amenity

- 6.2 Concerning amenity, the proposal would not be detrimental in either an immediate or wider sense. It is not within a Conservation Area, attached or adjacent to Listed buildings, or within proximity of any local heritage assets. The main character features of the site and surrounding area are the busy A58 Halifax Road, the existing advertising displays, and local shops / businesses aligning Halifax Road. National

guidance and advice sets a presumption in favor of locating advertisements in areas where there is commercial land use and character. Coupled with the busy nature of adjacent highways and associated infrastructure, impacts at such sites are considerably less and commensurate to the function of said environment. In this regard, the proposal is considered acceptable.

- 6.3 In terms of illumination, the strict controls placed over the proposed D-Poster display's operation (in accordance with the ILPs BIADD document) and its mimicry of traditional format advertising, sees that it would remain respectful of its surroundings at all times. This is supported by **Appendix 2** which compares a D-Poster display to a traditional format display. With the appropriate controls in place, digital advertisements fairly represent traditional format advertisements and do not appear overly prominent or dominant by comparison. At night, the D-Poster is programmed to accord with the ILP guidance for Environmental Zone 3 (EZ 3) and will not therefore exceed 300cd/m².
- 6.4 The proposal would be seen when highway users approach the site from the north east. They would note the presence of existing shops and businesses aligning each side of the carriageway, and the advertising displays on the offside of the carriageway (including the Alight Media digital panel). The digital display would appear set against the gable wall of no. 431, with a landscaped verge in its immediate foreground. The verge forms part of the site's amenity improvement program, with planting introduced to improve its appearance as indicated within the landscaping drawing and site CGI.
- 6.5 Further improvements relate to the positioning of the display; as it is set against the buildings flank wall it will benefit from its massing and dominance, reducing the perception of the display's size, scale, and prominence. The modern design of the D-Poster (as discussed above) will also appeal visually, appearing streamlined and minimalist, measuring just 0.1m in depth, with the outer framing slim and non-reflective, much the same as the existing billboard.
- 6.6 Given the improvements the D-Poster proposal offers over the existing paper paste panel and site layout, it is considered that the digital display would successfully integrate with the site, street scene, and surrounding environment. It would not appear as an isolated or standalone feature, and as a like for like replacement, would not contribute to clutter or cumulative effects. There would also be a material improvement in the site's interaction with vehicle users and pedestrians. The landscaping works will allow the proposal to sit comfortably in its visual context without harming amenity, the qualities of the site, or the character and appearance of the wider environment.
- 6.7 Moreover, it stands to reason that if the Council consider the D-Poster granted express consent on 22 September 2024 under reference 24/00513/ADV within the site's norther parcel to be acceptable in regards to amenity, then it must also consider the proposed D-Poster to also be acceptable. Both D-Posters are identical in size, scale, appearance, and operation, and both D-Posters are seen and experienced within the same context, positioned less than 40m apart on the same site and section of Halifax Road (**Figure 2, 3** below). Neither D-Poster display would have a negative impact upon the surrounding environment or any nearby residents or residential properties. Both screens face the highway and are directed away from residential properties and operate with extensive safeguards to control illumination at all times.



Figure 2, 3: Within the foreground of the image lies the northern parcel of the site with the extant express consent (24/00513/ADV) to upgrade the existing paper paste display to a digital unit. Within the middle section of the image lies the southern parcel of the site, with the extant proposal to upgrade the existing paper and paste display to a digital display. Both sites lie within the same context and would be viewed by passing highway users under the same conditions. There is no discernable difference between the two locations in this regard.

- 6.8 In granting express consent for an identical D-Poster in such close proximity to the site's southern parcel, it is considered the Council has demonstrated that a D-Poster display within the southern parcel of the site would also be acceptable.

7 Reasons for Refusal

- 7.1 A) The same advertisement was considered in 20/01587/ADV and was refused consent, with a subsequent appeal which was dismissed by the Inspector. The appeal decision therefore forms a material consideration in the determination of this application.
- 7.2 B) The existing hoarding has an incongruous and conspicuous presence within the predominantly residential setting and does not make a positive contribution to the amenity of the area.
- 7.3 C) By virtue of its size and positioning along a high-trafficked road, combined with the internally illuminated display, the proposed advert would appear more visually strident and obtrusive against the street scene than the existing hoarding.

- 7.4 D) Previous appeal Inspector commentary for the site: *“Digital advertising is by nature and purpose more visually strident than a more traditionally illuminated hoarding. Regardless of the setting of the sequential display and the absence of special effects, the proposal would harm the visual amenity of the area. The attention that would be drawn to the advertisement would make it more apparent, despite the reduction in the overall size.”* The proposal would therefore inflict harm to the visual amenity of the area and would not be acceptable.
- 7.5 E) Owing to its siting and orientation, the proposed advert would appear more prominent from the front windows of no. 2 Bridge Street and to a lesser degree, from the rear windows of no. 1 Bridge Street. Furthermore, the illuminated display and changing images would likely intrude on the outlook of the nearest occupiers.
- 7.6 F) The amenity impact of the extant consent was judged to be neutral on the grounds the display would replace the two existing hoardings at the same location, thereby reducing the amount of advertisement on site, and would remove the hoarding which faces the residential property at no. 1 Bridge Street. ...It is evident the proposed advert and the extant consent sit within different contexts and are not comparable.
- 7.7 G) The suggested use of planning conditions to prevent the implementation of the extant consent would also not be appropriate as it is considered the amenity harm that would arise from the proposal cannot be mitigated by the restriction of a separate development.

8 Appellant Response

- 8.1 A) The extant proposal is materially different to that of application 20/01587/ADV (refused 22/04/21). This has been clearly demonstrated at the application stage and throughout the appellants appeal. The appeal decision relating to the prior application should not therefore form a material consideration in the determination of the extant proposal. Each proposal is to be determined on its own merits, and on a site by site basis. Furthermore, the applicant and appellant have addressed the issues and points of contention highlighted within the previous appeal decision and demonstrated the extant proposal would be acceptable in regards to amenity and public safety. The Council’s reliance on a dated appeal decision for a materially different scheme points to a lack of understanding of the proposal and an unjustified and pre-determined objection to the extant proposal.
- 8.2 B) The appellant refutes the Council’s interpretation of the existing (and by extension) proposal’s supposed impact upon the setting and amenity of the area. It is readily apparent that the existing paper and paste billboard does not appear as an incongruent or overly conspicuous feature within its surroundings (see **Figures 2 and 3**). The existing billboard has been in position for over 65 years without the Council ever raising any concern over its congruence or how conspicuous it appears. Considering its long term history at the site, it has become an accepted, established, and anticipated feature within the surrounding environs for passing highway users and local inhabitants, with the Council providing no evidence or justification to suggest otherwise.
- 8.3 Moreover, the existing display and proposed digital display would be viewed in a mixed context, alongside the A58 highway, existing advertisements, a public house, and limited views of residential properties.

- 8.4 Within the above sections of the appeal statement (2, 3, 4, 6) and supporting documents, the appellant has identified how the proposal would successfully integrate to the street scene and would not detract from the amenity of the immediate surroundings.
- 8.5 C) As previously established, the existing display does not appear '*visually strident*' or '*obtrusive*'. It is considered the Council's assertion that the proposal would '*appear more visually strident and obtrusive*' is misleading and false, and unfairly discredits the proposal by painting it in a negative light without any substantive evidence, information, or justification. Moreover the digital display is identical to that granted consent by the Council within the site's northern parcel (ref: 24/00513/ADV); the Council did not find that the identically sized, scaled, illuminated, and operated display would appear visually strident or obtrusive. It therefore stands to reason that the proposed identical display, located a mere 40m to the south and viewed within the same context and environment, would also be acceptable.
- 8.6 As detailed within the application cover letter and above sections of the appeal statement, the size of the proposed D48 display is appropriate, measuring 6m in width and 3m in height. It is of standard size and scale and matches that of the existing displays and those recently granted express consent by the Council. There is no evidence to indicate that the size or scale of the proposed display would be detrimental to the amenity of the site and surrounding area. The positioning of the proposed display improves the visual relationship between the site and the immediate area, with the proposal set back within the site and adjacent to the gable wall of the nearby property (no. 433 Halifax Road). The repositioning sees that the display is backed by the gable wall, improving its ability to integrate to the street scene and ensures the proposed display is not seen as an isolated or standalone feature. Furthermore the re-positioning of the display enables landscaping works to be included within the proposal which adds shrubbery to the northern border of the site. These are material improvements which would not otherwise be implemented at the site.
- 8.7 As detailed within the application cover letter and appeal statement, the proposed display's illumination would be strictly controlled by internal software, hardware, a direct and real time link to a network operation centre, and planning conditions. Combined, the measures ensure that the display would not appear overly illuminated, and would remain respectful of ambient conditions at all times, adapting to changes in surrounding illumination levels. The display would be calibrated to mimic the appearance of content presented on traditional billboards, and thus, by means of '*internal illumination*', the proposal would not be detrimental to the amenity of site or surrounding area, either at night, or during daylight.
- 8.8 D) The previous appeal decision has been thoroughly addressed by both the applicant and appellant as part of the extant proposal for a digital display at the site location. Generalisations about the visual impact of digital advertising and its therefore negative impact upon the site are unfounded and unsupported by any substantive evidence or justification and cannot be applied to the extant proposal. As demonstrated by the applicant and appellant, concerns regarding an overly strident display are not appropriate when considering the strict operation of the proposal and the recommended conditions advanced by the appellant. There is no evidence that the extant proposal would '*harm the visual amenity of the area*' and again the former appeal decision cannot be used as justification for a further application refusal or appeal dismissal, especially as the prior and current proposals are materially different schemes.
- 8.9 The Inspector also comments on the '*attention*' that would be '*drawn to the advertisement*' making it '*more apparent*' and therefore '*inflicting harm to visual amenity*'. This is a highly subjective view which is

not supported by reasoning or justification. The extant digital display proposal is purposely designed to mimic traditional billboards and not unduly draw the attention of passersby. Illumination levels, the instant change of advertisements, and the seamless transition from one image to another sees that there would be no material impact upon the visual amenity of the area, the proposal would not '*therefore inflict harm*'. The views of the Inspector for the previous appeal decision cannot therefore be simply re-directed to the current proposal. The extant proposal is required to be assessed on its own merits and on a site by site basis, with evidence and clear justification used to support any findings or conclusions.

- 8.10 E) The amendments to the positioning of the proposed display relevant to the existing billboard unit are considered unlikely to materially impact upon the views of the site for no. 2 Bridge Street. The newly positioned display whilst slightly flatter, would be further set back within the grass strip, slightly reducing its prominence and negating any effect from the flattening of the display. The rear windows of no. 1 Bridge Street would be near in line with the proposed display; any views of the display / content would be highly angled, and therefore unlikely to impact upon the property. The properties on Bridge Street are therefore unlikely to be materially impacted by the proposal.
- 8.11 F) After reviewing street view images it is clear that the extant proposal and the recently granted display c.40m to the north lie (ref: 24/00513/ADV) in a similar if not the same context; this is plain to see. There is little if any change in the character and appearance of the surrounding area when moving between the two locations. If any change is to be highlighted it is that the extant proposal is in a position which is better supported by built form and more closely located to The Bulls Head public house. It is certainly the case that for any passing highway user within a vehicle, the speed of travel dictates that there would be little or no perception of the two displays being located or experienced in different contexts.
- 8.12 Furthermore the Council, regardless of whether the consented digital display reduced the number of advertising displays or not, would not have granted express consent for a display it felt would negatively impact the amenity of the immediate or wider area. It therefore stands to reason, that an identical display, facing in the near same direction, at a 40m distance to the south would also be acceptable in terms of the context in which the site is experienced, and its impact upon the surroundings. As demonstrated, the two sites are indeed highly comparable (**Figures 2 and 3**).
- 8.13 G) As demonstrated throughout the application cover letter and appeal statement, the proposal would not materially impact upon the amenity of the site or surrounding area. The previous grant of express consent within the site's northern parcel highlights the acceptability of a digital advertisement within a shared context and immediate environment. There is little to suggest, that effectively relocating the extant grant of express consent c. 40m south would have a materially detrimental impact upon amenity. Regardless of the extant consent, the appellant has evidenced that the proposal on its own merits would be acceptable.
- 8.14 The suggested use of planning conditions to prevent the implementation of the extant consent should the proposal be granted express consent simply ensures that only one digital display is built out at the site at any given time. The Council's assertion that such a condition serves to mitigate amenity impacts is considered false, as there would be no harm to amenity or mitigation required should the appeal proposal be allowed.

- 8.15 As detailed above the instruction to not build out the extant consent serves only to prevent the potential for two displays being developed across the site, owing to two grants of express consent.

9 Conclusion

- 9.1 The proposal comprises the upgrade of an existing paper paste billboard within the site's southern parcel to a D-Poster digital slimline display. The site's northern parcel which has an existing express consent for a D-Poster (ref: 24/00513/ADV, granted: 22/07/24) would not be built out as part of the proposal, ensuring that only the southern parcel D-Poster is taken forward; this would be secured by a suitably worded planning condition (Condition 1, **Appendix 3**). The proposal would not therefore lead to any increase in advertising at the site location.
- 9.2 The principle of large format roadside advertising at the site location has been demonstrated to be acceptable, owing to the long term and successful operation of the existing billboards, and the Council's recent grant of express consent for an identical D-Poster within the site's northern parcel adjacent to the corner of Halifax Road and Bridge Street.
- 9.3 The proposal as described has been demonstrated to be acceptable in regard to amenity throughout the application and appeal process. Landscaping to the site's foreground will improve the appearance of the site and immediate area, and the amended location / angle of the display will improve its sighting amongst the street scene.
- 9.4 Furthermore, the illumination and operation of the proposed D-Poster will match that of the recently consented D-Poster within the sites northern parcel. The D-Poster will be strictly controlled by specifically developed management software, ambient lighting sensors, timing / lighting schedules, and a network operations centre. The display would be calibrated on site, would mimic the appearance of traditional format advertisements during daylight, and be limited to a maximum of 300cd/m² at night in line with the ILP's BIADD 2023 Guidance. Advertisements would remain visible over a short to medium range only, and would not therefore appear overly prominent, dominant. The strict controls ensure the proposal would successfully integrate to the immediate surroundings.
- 9.5 Under these circumstances, and for the positive benefits set out, it is respectfully considered that the appeal should be allowed.