



Appeal Decision

Site visit made on 23 December 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/P4225/W/24/3351794

Pavement outside Rochdale Interchange, Smith Street, Rochdale OL16 1TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks Limited against the decision of Rochdale Borough Council.
 - The application reference is 24/00416/FUL.
 - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal Ref: APP/P4225/H/24/3351796

Pavement outside Rochdale Interchange, Smith Street, Rochdale OL16 1TU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks Limited against the decision of Rochdale Borough Council.
 - The application reference is 24/00417/ADV
 - The advertisement proposed is a multifunctional communication hub including defibrillator and advertisement display.
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Decisions

1. The appeals are dismissed.

Main Issues

2. With regard to the planning appeal the main issue is the effect on the character and appearance of the area with particular regard to whether the proposal would preserve or enhance the setting of the listed former Wellington Hotel and the Rochdale Town Conservation Area. With regard to the advertisement appeal, the main issue is the effect on visual amenity.

Reasons

3. The proposals would result in a communication hub, with a defibrillator and advertisement display. It would also offer free calls to landlines, free Wi-Fi, a 32-inch touch screen to enable wayfinding, direct access to local webpages and device charging capabilities. It would be situated between the planters and bicycle hoops within the pedestrian area between the vehicle carriageway of Smith Street and the tram tracks. It would lie just outside the Rochdale Town Conservation Area. The conservation area includes the properties to the south along Smith Street and also the pedestrianised open space immediately to the west. The former Wellington Hotel lies within the conservation area, immediately to the south of the proposal.

This is one of the numerous historic buildings that frame the important open space to the west which also functions as a marketplace.

4. The proposed structure would be set within the pedestrian area but would also be closely associated with the infrastructure associated with the surrounding roads and the tramlines of Smith Street. When viewed from the west, it would be viewed against the backdrop of more modern buildings to the north and east. The covered kiosk element would face west and as a result, it would have a relatively limited prominence in such views. The west facing element would not therefore detract from the setting of the conservation area and it would sit relatively discreetly amongst the street furniture and transport infrastructure.
5. In contrast, when approaching from the east, the proposed advertisement and its illuminated screen would be clearly evident and would be viewed against the backdrop of the historic conservation area buildings. It would be a strident new feature within such views and it would be at odds with the character of the area that lies immediately to the west within the conservation area. It would result in harm to the visual amenity of this particular area. In this context and on this approach, the advertisement would detract from the setting of the conservation area. I am mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. With regard to the listed former Wellington Hotel, the appearance of the communication hub part of the structure, including its canopy, when viewed from the west, would have a neutral impact on the appearance of the frontage of the listed building, given its separation from it and the much altered and modern setting of the building. With regard to the approach from the east, it would lie to the side of its return elevation, rather than its frontage. It would be separated from it by the vehicular part of Smith Street. Although it would result in further modern infrastructure within its immediate setting, given these particular circumstances, the proposal would have a neutral impact on its setting, on this approach. Overall, I am satisfied that the proposal would not result in harm to the setting of this heritage asset or be at odds with the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 as revised, to have special regard to the desirability of preserving the building or its setting.
7. I am mindful that a hub of a similar size was approved further to the east. That permission accepted advert screens to both main elevations. If installed, it would be further from both the listed building frontage and the open space of the conservation area. It therefore differs from this proposal and does not offer weight in favour of it. Concerns have been raised that the two adverts, when viewed together, would unacceptably add to the scale of advertising and street clutter. However, when experienced together, this would be from further east and further away from the open area of the conservation area. Generally, the two would be sufficiently separated, with harm only resulting when close to the proposed advert and in closer proximity to the open space of the conservation area. Similarly, the visual impact of the approved sign would be more limited given its immediate more modern context. Having the two advertisements would not alter or add to the visual harm that I have found with regard to the position of the proposed sign; nor would the impact of the proposed sign be more limited if the approved signage was not implemented.

Planning assessment and conclusion

8. The proposal would have a neutral impact on the listed building but it would be harmful to the setting of the conservation area. It would therefore be at odds with policies JP-P1 and JP-P2 of Places for Everyone joint development plan document 2022 to 2039 (2024)(JDPD) which seek to conserve and enhance heritage assets and their settings. It would also conflict with the similar heritage requirements of policy P2 of the Rochdale Core Strategy 2016 (CS). I also find conflict with the design expectations of CS policies DM1 and P3 as the proposal would fail to respect its context.
9. The National Planning Policy Framework 2024 is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The harm to the conservation area would be less than substantial. There would be public benefits from the provision of the communication hub and the defibrillator. These are supported by JDPD policy JP-C2: Digital Connectivity; the Rochdale Borough Council - Digital Experience Strategy (2022-2025); and the 'heart-safe' campaign. The Framework also supports high quality communications and the prevention of ill-health.
10. I afford considerable weight to the public benefits of the communication hub and the defibrillator. However, the weight is not sufficient to outweigh my concerns with regard to the setting of the conservation area. The proposal therefore conflicts with the heritage requirements of the Framework. I therefore dismiss the planning appeal.

Advertisement assessment and conclusion

11. I have had regard to the conditions suggested including the proposal to turn off the display at midnight. However, I have concluded that the advertisement would be visually intrusive in the location proposed.
12. It would be at odds with CS policies DM1 and P3. However, the Regulations, the Framework and the Planning Practice Guidance require that advertisement decisions are made only in the interests of amenity and public safety and therefore, the council's policies cannot be decisive. I have however taken them into account as material considerations.
13. Whilst the advertisement would not result in concerns with regard to public safety, it would detract from the visual amenity of the area. I have had regard to all the matters put forward in support of the advertisement, including its integration with the hub, but these are not sufficient to outweigh my concerns. I therefore conclude that the advertisement appeal must be dismissed in the interests of amenity.

Peter Eggleton

INSPECTOR