



Paul Butler Associates
Planning, Development & Heritage Consultants

Vision Advertising

Union Street Car Park: Advertisement
Consent

Planning Statement

20 December 2023

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1. Introduction

Overview of Proposed Development

- 1.1 This Planning Statement is prepared by Paul Butler Associates on behalf of the applicant, Vision Advertising. The statement is submitted in support of an application for advertisement consent on land at Union Street Car Park.
- 1.2 The proposed advertisement will be located on land to the north-western edge of the Union Street Car Park, on the south side of St Mary's Gate.
- 1.3 The application follows a recent appeal approval (APP/P4225/Z/23/3321610) in the same site location for a 48 sheet internally illuminated advertisement. In this appeal judgement the Inspector found that billboards, both digital and traditional, form part of the existing character of the area and the advert would not harm the character or appearance of the Conservation Area. In addition the site location was judged to not lie within the setting of the Grade II listed Ukrainian Church of Saint Mary and due to the amount of surrounding signage and modern commercial buildings the proposal was not harmful to views of the listed building.
- 1.4 The Inspector's judgement is a positive affirmation that the site location is suitable for a large-scale advertisement and we find no reason within the Inspector's report to suggest that a 96 sheet advert would be unacceptable in this location.
- 1.5 The applicant is therefore now seeking advertisement consent for the installation of one internally illuminated 96 sheet digital display unit. The advertisement would be 3 metres in height, 12 metres in width and mounted on three steel support legs, 2.5 metres high. The sign would face in a westward direction.

- 1.6 The proposed advertisement would display static posters which would change at an interval of every 10 seconds. The advert would be internally illuminated to a level of 300 candelas / m².
- 1.7 As with the approved appeal application, it is again proposed to remove two existing 48 sheet advertisements which sit 60 metres behind the location of the proposed advert when viewed from the west (the principal view that the advert would be viewed from). These two adverts are double sided and are located on the southern edge of the Union Street Car Park, adjacent to Hunter's Lane. The two advertisements to be removed are sited on land within the control of the landowner / applicant.

Documents submitted with the Planning Application

- 1.8 The planning application is accompanied by the following drawings:
- RSMWCS1REV2 Site Plan
 - RSMWCS2REV2 Location Plan
 - RSMWCSREV2 Specification Drawing
 - RSMWCS4REV2 Before & After Visuals

Structure of this Statement

- 1.9 The remainder of this statement is structured as follows:
- Section 2 provides an overview of the development sites and the proposals which are the subject of this application.
 - Section 3 sets out the key local and national planning policies of relevance to the scheme.
 - Section 4 provides an assessment of the proposals against the key planning considerations.

- Section 5 provides a summary of the overall case for granting advertisement consent.

2. The Site and Surroundings

Description

- 2.1 The Union Street Car Park is accessed off Hunter's Lane, the car park lies immediately to the south of St Mary's Gate. The proposed advertisement will be located in the north-west corner of the car park next to St Mary's Gate. The entrance / exit to an underpass under St Mary's Gate is to the west of the proposed advert location. Cheetham Street Car Park, at a lower level than Union Street, is to the south of the proposed advert location.
- 2.2 Two double sided advertisement hoardings exist on the southern edge of the Car Park adjacent to Hunter's Lane, these are proposed to be removed as a compensatory mitigation measure. The two adverts are 48 sheet adverts and currently occupy a prominent position on Hunter's Lane. The two advertisements are clearly visible from St Mary's Gate and if retained would be visible in the backdrop of views of the proposed advertisement from St Mary's Gate.
- 2.3 A further internally illuminated advertisement exists on the north eastern corner of the Union Street Car Park (this replaced two large advertisement hoardings which existed in that location). The illuminated advert faces east directed at traffic travelling in a westerly direction.
- 2.4 130 metres to the east of the application site is another double sided advertisement hoarding adjacent to Whitehall Street. The United Carpets and Beds warehouse and showroom building occupies the plot between Union Street and Whitehall Street, the building has a high level of advertisements on its facades.
- 2.5 Cheetham Street is located to the south west of the site and contains a number of advertisements ranging in size and position on buildings, with many attached to the buildings above first floor level.

- 2.6 Union Street itself leads to Yorkshire Street and the row of premises all have advertisements displaying the name / services supplied at the premises. Yorkshire Street forms a key shopping street and contains a range of signage in terms of size, siting and means of illumination. Few traditional advertisements exist on this street.
- 2.7 The application site therefore resides within a bustling commercial area associated with the Town Centre of Rochdale where a high level of advertisements already exists. The presence of advertisements emphasises the commercial nature of the area and has become part of the established character of the area. Advertisements are prevalent in most views from St Mary's Gate looking south and are common place along street vistas. As is often the case, larger advertisements exist on the edge of this commercial area where they have the ability to attract the attention of motorists travelling along the St Mary's Gate route which encloses the town centre and its associated commercial activity.
- 2.8 The northern side of St Mary's Gate is outside of the town centre and does not associate with the commercial activity in the town centre. The St Mary's Gate route provides a physical separation between the town centre and the residential areas north of St Mary's Gate. In 2020, advertisement consent was approved for a double sided internally illuminated digital advert on Council owned land on the northern side of St Mary's Gate. The advert is located on informal open space, away from the commercial core of the town centre.

Recent Planning History

- 2.9 As noted in the introduction, on 29 March 2023 Rochdale Council refused an application (ref 22/01607/ADV) for Advertisement Consent on the basis that it could cause harm to the significance of the Town Head Conservation Area.
- 2.10 An appeal (ref APP/P4225/Z/23/3321610) against this decision was lodged and the Planning Inspectorate subsequently **allowed the appeal**. The key findings from the Inspector's approval are as follows:

- *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. (Paragraph 6)*
- *The buildings and spaces that are near to the appeal site do not positively contribute to the character or appearance of the Conservation Area. Moreover, the appeal proposal would be viewed in the context of Saint Mary's Gate in a position where the Georgian townscape of the Conservation Area, centred around its core on Yorkshire Street, cannot be seen. Accordingly, the appeal proposal would not harm the character or appearance of the Conservation Area. (Paragraph 7)*
- *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. (Paragraph 8)*

2.11 The appeal approval is a material consideration in any application on this site and this clearly sets out that the site location does not positively contribute to the character and appearance of the Conservation Area and as such a proposal here is not able to cause harm to the Conservation Area. The inspector's judgement also confirms that an advert in this location would not lie within the setting of the Grade II listed Ukrainian Catholic Church of Saint Mary. The judgement therefore effectively removes 'heritage matters' from being a constraint to an advert in this location.

Conservation Area Designation

- 2.12 Historic England guidance¹ explains that Local Planning Authorities are under a positive legal duty to assess Conservation Areas and review them from time to time to consider whether areas are suitable for designation or should remain designated.
- 2.13 The guidance goes on to state that the more clearly the special architectural or historical interest that prompted designation is defined and recorded, the better local plan policies and development control decisions will be in achieving the objective of sustaining and enhancing the area's character. The guidance also clearly states that: *Policies need to be developed which clearly identify what it is about the character or appearance of the area which should be preserved or enhanced and the means of achieving that objective.*
- 2.14 The site is located on the far north east boundary of the Town Head Conservation Area. Since its designation in 2008, the Council have not reviewed the designation. Furthermore, the only public information available is a map of the Conservation Area. There is no Conservation Area Appraisal or Management Plan and therefore contrary to Historic England advice the Council have failed to define the special architectural or historical interest that prompted its designation. As is noted above the Historic England guidance recognises that the greater information and clarity there is regarding what defines the special architectural or historic interest of the Conservation Area then the better development control decisions will be. It therefore stands to reason that the less information there is regarding what constitutes the special architectural or historical interest of the Conservation Area, then the poorer development control decisions will be.
- 2.15 The Inspector's judgement now confirms that the general site location does not positively contribute to the character and appearance of the Conservation Area and for these reasons we consider that the boundaries should now be reviewed by the local planning authority.

¹ <https://historicengland.org.uk/advice/hpg/has/conservation-areas/>

2.16 Photos of the application site and surrounding area are included below.



Fig 1: View towards car park / site location.



Fig 2: View of existing 48 sheet adverts to be removed.



Fig 3: View of car park locality.



Fig 4: View of proposed advert location, looking east. Advert on Council land / open space visible in frame.



Fig 5: View of St Mary's Gate looking west. Advert on Council owned land (open space) visible in left of frame.



Fig 6: Signage in the conservation area on Yorkshire St.



Fig 7: Signage in the conservation area on Yorkshire St.



Fig 8: Signage in the conservation area on Yorkshire St.



Fig 9: Signage in the conservation area on Yorkshire St.



Fig 10: Signage in the conservation area on Union St.

3. Planning Policy Context

Introduction

- 3.1 This section of the statement sets out the local and national planning policy context of relevance to the determination of this advertisement consent application. An appraisal of how the proposal relates to the key planning considerations relevant to the Site is set out in section 4 of this statement.
- 3.2 Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a local planning authority shall exercise its powers under these regulations in the interest of amenity and public safety, taking into account:
- a) the provision of the development plan, so far as they are material; and
 - b) any other relevant factors.
- 3.3 Regulation 3(2) of the 2007 regulations goes on to state that:
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 3.4 In the case of Rochdale Council, the adopted Development Plan consists of the Core Strategy (adopted 2016) and the saved policies of the Unitary Development Plan (2006). Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) which both represent a significant material consideration.

Local Planning Policy

Policy P2 'Protecting and enhancing character, landscape and heritage'

- 3.5 The policy sets out that the Council will protect the borough's character, the distinctiveness of its town centres, housing areas and countryside, and the qualities of its landscapes. The policy goes on to discuss how they will conserve, enhance and promote key heritage assets including conservation areas.

Policy P3 'Improving design of new development'

- 3.6 The policy sets out a range of design principles which should be adhered to where relevant, these include:
- Enhancing the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general;
 - Ensure developments and spaces are safe to use and access (including lighting as appropriate);
 - Design buildings and spaces so that quality and appearance can be maintained over time;

Policy DM1 'General development requirements'

3.7 The policy requires all development proposals to demonstrate that they comply with a number of criteria, of relevance:

- Are of high quality design and take the opportunity to enhance the quality of the area;
- Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users;
- Mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary.

National Planning Policy

National Planning Policy Framework (NPPF)

3.8 Paragraph 136 of the NPPF states that: *The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*

National Planning Practice Guidance (NPPG)

3.9 The NPPG provides specific guidance in relation to the control of advertisements and the considerations affecting amenity and public safety.

3.10 In respect of **considerations affecting amenity**, the NPPG explains:

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Paragraph: 079 Reference ID: 18b-079-20140306

- 3.11 In terms of **considerations affecting public safety**, the NPPG recognises that all advertisements are intended to attract attention, and distinguishes when public safety is an issue as follows:

...proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

Paragraph: 067 Reference ID: 18b-067-20140306

4. Planning Appraisal

Overview

- 4.1 Application 22/01607/ADV was approved at appeal and this judgement is now a material consideration in the determination of this application for a 96 sheet advertisement in the same location.
- 4.2 The Planning Inspector overruled the Council finding that the advertisement would not harm the character and appearance of the Conservation Area and that the cumulative impact of digital signage would not be such that it would lead to harmful proliferation of advertisements or create unacceptable street clutter.
- 4.3 No objections were raised to the advert during the application or appeal on the grounds of public safety.
- 4.4 This revised application proposes the removal of two double sided 48 sheet advertisements on the same car park in order to mitigate against the potential impact of the proposed scheme. The removal of two 48 sheet advertisements and replacement within one 96 sheet advertisement means that there is not net gain or increase in advertising space within this general location.
- 4.5 The landscape profile of the advertisement effectively doubles the width of the previously approved advertisement, projecting in a southerly direction. This is not on the side nearest Saint Mary's Gate or other large scale adverts and the advert is exclusively sited over the Union Street Car Park. There would be no increase in the height of the advert or supporting structures in relation to that previously approved.
- 4.6 We do not find the visual impact of the proposed advertisement to be harmful. As per the Inspector's conclusions, whilst the advert would be sited in a position close to the other two digital units, in such a well-lit predominantly commercial urban setting the scale and

appearance of the proposal can be accommodated on the site and would not dominate the streetscene. Furthermore, it is now clearly established that there would be no harmful proliferation to speak of.

- 4.7 The key planning issues associated with the proposed application are examined under the headings of 'visual amenity' and 'public safety' below.

Visual Amenity

- 4.8 The area surrounding the application site is an area with an existing high level of advertisements in both the area around the car park and on the main shopping street (Yorkshire Street). Advertisements are therefore a common feature of the area. Digital illuminated advertisements are also commonplace, with one present 40 metres to the east of the site facing an easterly direction and another (double sided 48 sheet advert) approved on Council land 55 metres to the west, the latter advertisement being outside the commercial core, sited on informal open space / highway verge.
- 4.9 The Inspector's decision proves that the Union Street Car Park should therefore be viewed as part of a commercial location where advertisements of all types are commonly found and where they have combined to form the established character of the area. Another illuminated advert here does not suddenly 'tip the balance' in terms of cumulative impact, it just becomes another similar feature within the streetscene and the Planning Inspectorate has agreed with that position.
- 4.10 The removal of the two adverts adjacent to Hunter's Lane will ensure there is not any net increase in advertisement facings. The two existing adverts are double sided so there is a reduction from effectively 4 no. 48 sheet adverts to 1 no. 48 sheet advert. If these large adverts were to remain they would be clearly visible in the backdrop of views of the new digital advert

- 4.11 Given the judgement from the Planning Inspectorate the commercial nature and amount of existing adverts in the area means that the addition of one more would not be harmful. The proposed advert will align with the commercial character of the town centre and will merely appear as another illuminated feature within a well-lit / busy route through the town.
- 4.12 At this juncture it is also worth examining National Planning Practice Guidance which provides specific advice on when harm to visual amenity might be experienced. This states:

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

[Paragraph: 079 Reference ID: 18b-079-20140306]

- 4.13 In respect of the above guidance, whilst the listed St Mary's Ukrainian Church is present to the east of the site as noted earlier it is separated by a distance of 205 metres with intervening features such as street signage, street lighting, illuminated and non illuminated large adverts, a carpet warehouse building covered in adverts and extensive car parking. The Planning Inspector judged that the site location does not lie within the setting of the listed building and given the highway paraphernalia, advertisements and modern commercial buildings that already exist, the proposal would not be harmful to such views. The increase in the width of the advert only (in relation to the appeal scheme) does not alter this position.

Heritage Impact

- 4.14 As noted above, the Inspector's judgement effectively rules that an advert in this location would not lie within the setting of the listed building and would not be harmful to such views. We find no reason for the Council to conclude otherwise on this matter. Furthermore, the Planning Inspectorate have rightly judged that the site location does not positively

contribute to character and appearance of the Conservation Area. The Georgian townscape of the Conservation Area is centred around its core on Yorkshire Street and this cannot be seen from the site location. Accordingly it is now apparent that there is no harm to the significance of the Conservation Area.

Summary in respect of Visual Harm

- 4.15 It is established that there is a pre-existing level of commercial activity in the area and this includes a variety of adverts. When viewed in this context, the advertisement is another addition to this established character, and we find no reason to believe that an additional advert in this location will all of a sudden 'tip the balance' to create street clutter and make signage a dominant feature in the streetscene. In addition, this proposal seeks to respond to any potential for proliferation by removing the two double sided 48 sheet adverts within the control of the applicant. The Planning Inspector judgement endorses the above findings and we now find no reason to suggest that a 96 sheet advertisement would be harmful in this location.
- 4.16 National Planning Practice Guidance indicates that larger adverts can be considered to be acceptable in a commercial area of a major town or city, where there are large buildings and main highways and where the advertisement would not adversely affect the visual amenity of the surroundings of the site. It is our view that this is precisely the case with this application. The visual amenity of the area is currently characterised by commercial activity including a range of advertisements and the advert on Council owned land to the west has extended the commercial reach of the town centre across St Mary's Gate. The advert will be another addition to this commercial area and as such should be viewed positively in this context. We do not find there to be any harm to the special interest of the Conservation Area and the impact on the setting of the listed St Mary's Ukrainian Church is considered to be neutral. When viewed alongside others the advertisement will not dominate or detract from the appearance of the listed building which will remain as a strong focal point in the area.

Public Safety

- 4.17 Factors relevant to public safety in this case extend to the safety of persons using the adjoining highway. The NPPG guidance observes that proposed advertisements at points where drivers need to take more care are more likely to affect public safety and gives examples of junctions, roundabouts, pedestrian crossings.
- 4.18 In this instance, it is not considered that there will be any impact on public safety, and this view is supported by the officer report for the previous application which concluded that there would be no reason to refuse the application on public safety grounds.

Illumination

- 4.19 Saint Mary's Gate is a highly traversed and well-lit roadway, meaning that the ambient effect of the proposal is sufficiently contained, in accordance with the guidance set out by the Institute of Lighting Practitioners (ILP).
- 4.20 The guidance specifically considers the use of digital technology. It sets recommended maximum luminance levels per surface area which LPAs typically apply in such cases. This guidance recommends that advertisements in urbanised, well-lit, areas 'should not exceed 300cd/m² at night'.
- 4.21 During the daytime, the illumination will be adjusted by light sensors to make the image visible but not overly bright in the ambient light. A correctly adjusted digital display is no brighter than a conventional illuminated sign.

5. Summary and Conclusions

- 5.1 This application is submitted by Paul Butler Associates on behalf of Vision Advertising. Advertisement Consent is sought for the proposed installation of a 96 sheet digital advertisement unit on the north west corner of the Union Street Car Park. The removal of two double sided 48 sheet advertisement hoardings on the same car park is proposed as part of the application proposals. The removal of these hoardings could be secured by imposing a planning condition on the consent as per appeal ref APP/P425/Z/23/3321610.
- 5.2 The site location is within the town centre of Rochdale and forms part of a commercial area that is characterised by a variety of adverts of different sizes and types. The proposed advertisement will form another addition within the streetscene and will not tip the balance in terms of accumulation of adverts. Furthermore, the proposed removal of two large existing adverts mitigates against any potential effects that may be identified. The advert will sit alongside other adverts within this commercial location, next to a well-lit busy route and will not appear incongruous in its surroundings.
- 5.3 The statement demonstrates that there will be no appreciable impact on the character and appearance of the Town Head Conservation Area and the proposed advertisement will have a neutral impact on the setting of the St Mary's Ukrainian Church.
- 5.4 In light of the Planning Inspectorate judgement under APP/P425/Z/23/3321610 for a 48 sheet advertisement in the same location, we find no reason to suggest that the wider 96 sheet advert now proposed in this location would be unacceptable.
- 5.5 The statement demonstrates that the proposals are in accordance with national and local policy and guidance and we therefore respectfully request that advertisement consent is approved.