

APPEAL STATEMENT

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

Site Address: Land at 176-182 Oldham Road, Manchester, M4 6BQ

Proposal: Update of advertisement site to display D-poster advertising display

Wildstone Ref:	3040
Local Planning Authority:	Manchester City Council
Application Ref:	137288/AOH/2023
Date:	September 2023
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 Group Limited against the decision of Manchester City Council (the Council). The application ref: 137288/AOH/2023, dated 6 June 2023, was refused by notice dated 27 July 2023.
- 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 considered the proposal acceptable in terms of highway / public safety. The Council commented as follows in their reason for refusal:
 - 1) *The proposed billboard, by virtue of its scale, design, materiality and siting, would form an unattractive and obtrusive feature in the street scene. The advertisement would fail to respond positively to its surroundings, creating a dominant and incongruous feature along this part of Oldham Road which would be detrimental to visual amenity. In addition, the advertisement fails to preserve or enhance the special character and appearance of the Ancoats Conservation Area together with the ongoing regeneration of the Poland Street Zone which seeks to improve the character and appearance of Oldham Road.*

2 Site and Surroundings

- 2.1 The proposal site is located on land at 176-182 Oldham Road (A62) within a mixed character area that comprises commercial, local business, highway infrastructure, and residential land use. The site and immediate area are commercially orientated and backed by a large five storey mixed use building. In terms of the site and surrounding area's land use and appearance, the proposed replacement D-poster display would be entirely suitable development.
- 2.2 To the north of the site, beyond the dual carriageway, lie largescale commercial / industrial units and buildings including the Royal Mail sorting office. To the north east, aligning the Oldham Road are further commercial / industrial built form, including a second hand car sales business and associated forecourt. A similar digital display lies at the junction between the Oldham Road, Butler Street, and Livesey street, on Council land. To the south west, also aligning the Oldham Road, the commercial and industrial buildings continue, interspersed with locally oriented shops and businesses. Immediately adjacent to the south west lies a newly constructed mixed use five storey building which comprises ground floor commercial units with flats below (**Figures 1-2**). The building is of modern construction and reflects the modernisation

¹ National Planning Policy Framework, Paragraph 136

of the street scene and mixed use / character of the wider environment. An imposing blank grey brick gable wall faces the site with no windows present. Residents are enclosed within the building with windows and doors setback from the building's façade facing Oldham Road.



1.

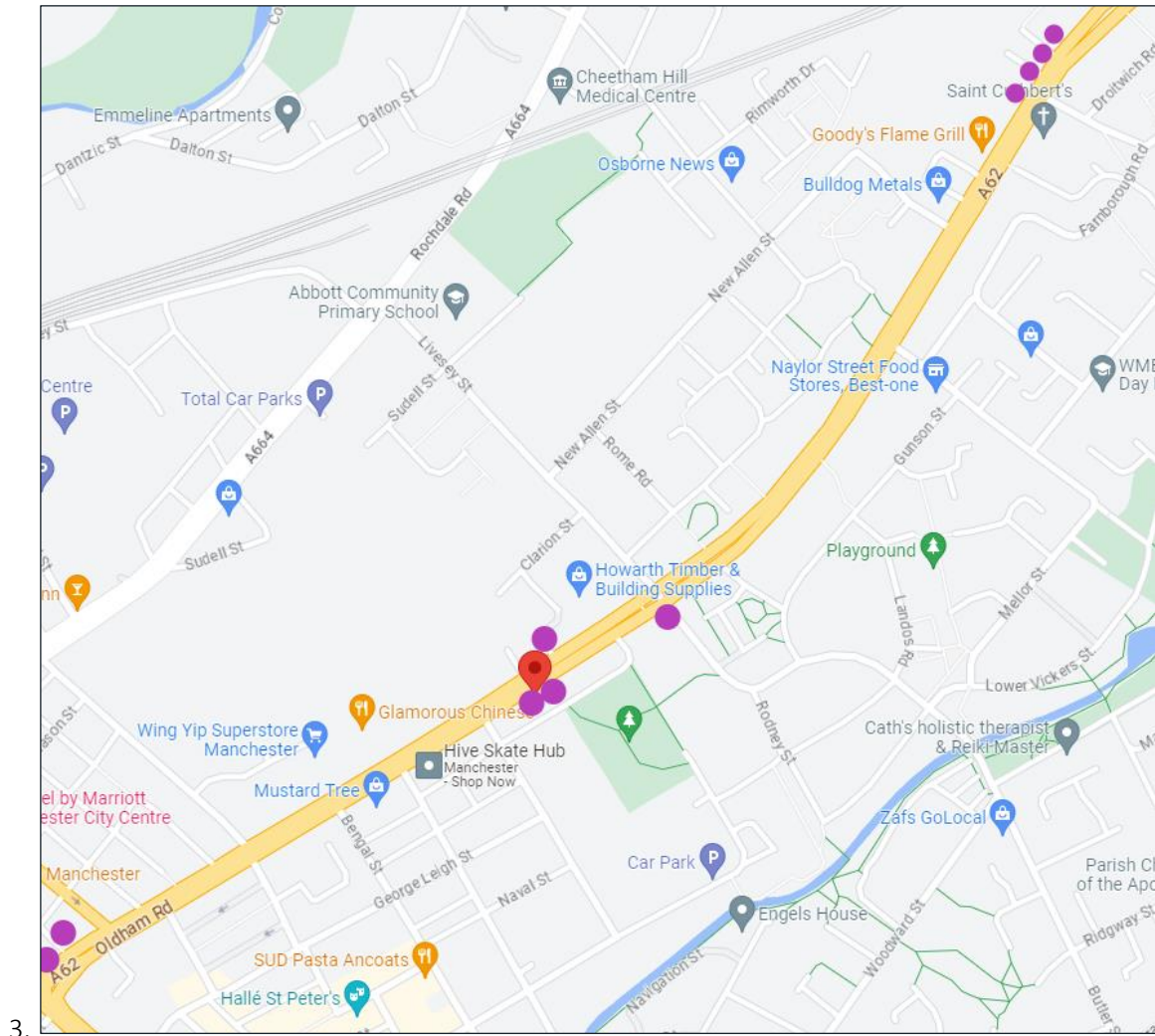
Figure 1: Site and surrounding area. The site is subservient to the surrounding built form and lies within a mixed use environment. The proposal, which would mimic the appearance of the existing unit, would not appear out of character with the existing street scene, or detract from the amenity of the surrounding area.



2.

Figure 2: The massing of the newly constructed mixed use building (commercial with residential) is evident, dominating the skyline and immediate area. The replacement D-poster would appear subservient and have no material impact upon the appearance of the street scene.

- 2.3 The site hosts an existing 48-sheet advertising display which benefits from Class 13 deemed consent, having been in position for the preceding 10 years. The display sits in an offset and setback position from the Oldham Road and faces highway users travelling north east towards Failsworth. The site lies within an area where large format roadside advertising is common place, with both traditional and digital format displays at multiple locations aligning the Oldham Road, see Figure 7 below.



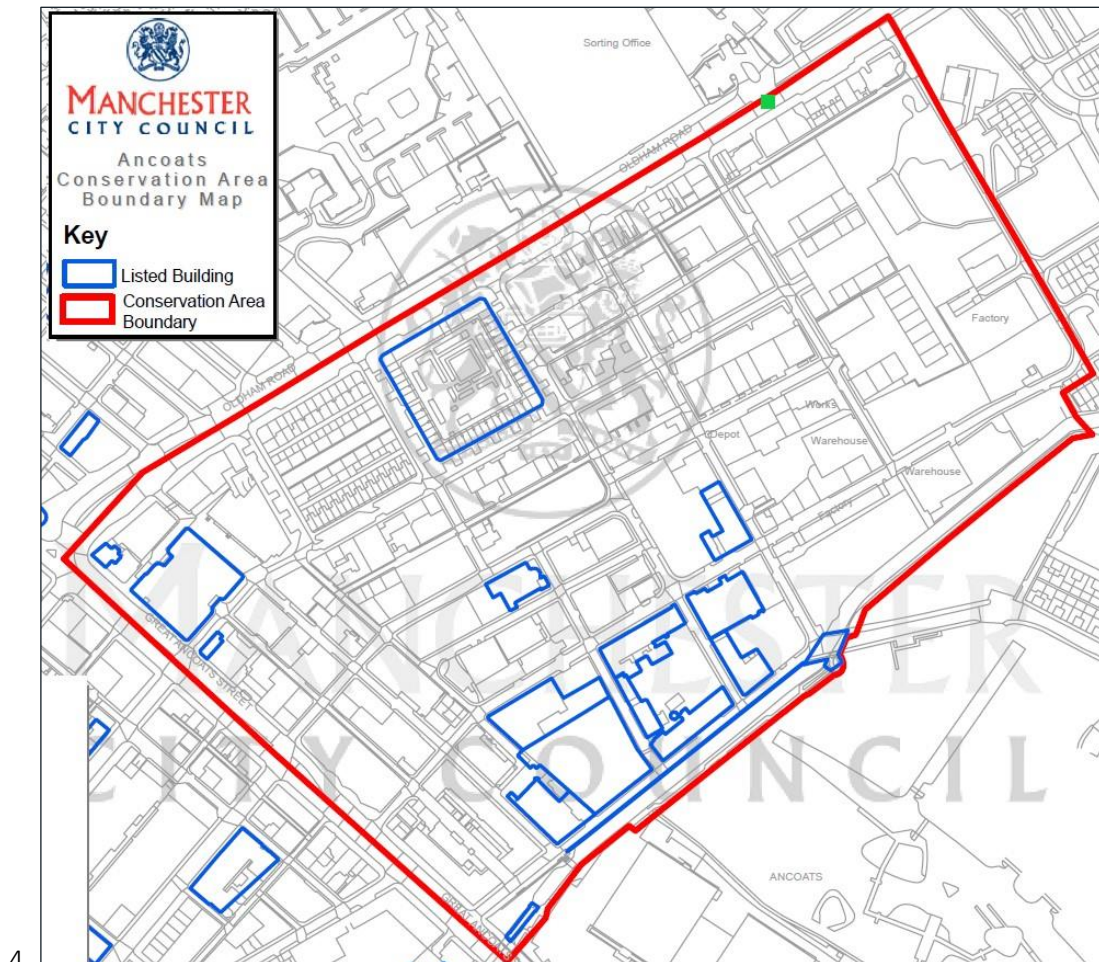
3. **Figure 3:** Map to show existing large format advertising displays including digital units aligning the Oldham Road. The site is identified by the red location marker. The purple dots represent existing advertisements.

Ancoats Conservation Area

- 2.4 The site is located on the boundary of the Ancoats Conservation Area (CA) (see **Figure 4** below), however, it does not interact with, and cannot be seen from a position of the built form which the CA seeks to preserve. The principal buildings within the CA are the large cotton spinning mills located adjacent to the Rochdale Canal and the nearby housing (of red brick construction). The Council's CA guidance identifies that much of the area's character derives from the size, mass, and construction of the older buildings (mills, associated housing and roads). Generally, these are built in red brick and are between two and six stories high, with pitched slate roofs with windows vertically proportioned and simply divided.
- 2.5 The site's position on the edge of the CA is fortunate, there are no nearby Listed buildings in this part of the CA. The CA at this location is characterised by commercial / mixed use development fronting Oldham Road which does not possess the same heritage significance as other areas of the CA, or the key areas such as the Cotton Mills adjacent to the Rochdale Canal which the CA seeks to preserve and enhance. It is further noted the Oldham Road buildings are in poor condition and there is no consistent building line,

style, or massing which is further perpetrated by the newly constructed five storey mixed use building adjacent to the site.

- 2.6 Owing to its location, orientation, size, and scale, the proposed D-poster would not interact with the built form or the character features of the CA. Its positioning on the north eastern boundary ensures there would be a neutral impact upon the CA which would not prevent its preservation or enhancement. This is further discussed within the amenity section below.



4. **Figure 4:** Ancoats Conservation Area. Site located at the green square on the north east boundary.

- 2.7 The proposal is supported by National policy and guidance for roadside advertisements which advocates locating advert displays in commercial and / or industrial areas adjacent to main highways.
- 2.8 The site lies within a Regional Centre (EC3) and is opposite an Economic Development Area (HC10 c). There are no Listed buildings, Scheduled Monuments, or Registered Parks and Gardens within the site's proximity.

3 Appeal Proposal

- 3.1 The proposal seeks to replace a longstanding illuminated display on land at 176-182 Oldham Road which benefits from deemed consent under Class 13 of the Advertising Regulations, having been in situ for the

preceding 10 years. The proposed D-poster will continue to appear as a freestanding display which presents static two-dimensional advertisements, albeit on sequential rotation rather than by a scrolling motion.

- 3.2 The proposed D-poster has reduced dimensions in comparison to the existing display, measuring 6m in width, 3m in height, 0.061m in depth, and 2.15m above ground level. The proposed display technology is also lightweight, durable, efficient, and can be easily erected with minimal engineering. The quality of the image produced will mimic that of traditional format displays (**Appendix 1**).
- 3.3 The proposed display will meet modern requirements and will be capable of displaying six advertising campaigns at a time, sequencing every ten seconds (i.e. six adverts per minute). The ability to carry multiple adverts will cater for the demand in this area and reduce the pressure for new locations.
- 3.4 The scheme seeks the standard temporary five year express consent to ensure that any future development potential of this site is not undermined.

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 Wildstone and the industry body “Outsmart” have been working to establish best practice for the control of displays both at night and during the day. The 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 Professionals (ILP) guideline figures, with lower thresholds set on more sensitive sites.
- 4.3 The (ILP) have now introduced a set of model conditions which can be applied to advertisement consents going forward. The model conditions are set out within Appendix 1 of Technical Note 5 “The Brightness of Illuminated Advertisements including Digital Displays PLG 05 23” (BIADD) and have been used as the basis for the proposed conditions set out in **Appendix 2** of this statement. The applicant has specified that illumination is limited to 100cd/m² at night, a 67% reduction below recommended levels, and that a curfew is implemented from 23:00hrs to 06:00hrs. The strict control over the proposed D-posters operation will ensure that it respects the appearance of the street scene and does not impact upon the preservation or enhancement of the CA. Examples of sensitively illuminated D-posters are included below (**Figures 5-8**). As can be seen, daylight illumination is also carefully controlled so as not to appear overly bright and to respect the surrounding area.



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Figures 5-8: Land at Willenhall Road, Wolverhampton, WV1 2HY. Land at Victoria Road, Fenton, Stoke on Trent, ST4 2HS. Gable at 469 – 473 Oldham Road, Rochdale, OL16 4TD. Gable at 42-44 Glasshouse Street, Nottingham, NG1 3LW.

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 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. In accordance with Paragraph 136 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. As described in the National Planning Practice Guidance (NPPG) the regime is a “lighter touch” than the system for obtaining planning

permission for development. The NPPG also clarifies that a local plan does not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.

6 Grounds of Appeal

- 6.1 The near like for like replacement of the existing illuminated panel in terms of its size, scale, elevation and location, in combination with the proposal's strict control of illumination levels, will ensure the change in the visual impact of the site on the surroundings is positive. The impact of the proposal has been considered in amenity and public safety terms as follows:

Amenity

- 6.2 The proposal would not be detrimental in either an immediate or wider sense. It is not attached or adjacent to a Listed building, Scheduled Ancient Monument, or Registered Park and Garden.
- 6.3 The site lies on the north western boundary of the Ancoats Conservation Area (CA) which seeks to preserve industrial buildings to the south and south east of the site. As previously identified, the area to be protected is a rigid grid iron layout of streets and buildings which includes large cotton mills adjacent to the Rochdale Canal, housing for workers of the cotton mills and associated industries / practices, and warehousing, all being of red brick construction. These streets and buildings lie significantly beyond the site's influence and cannot be seen on approach to, or at the site location.
- 6.4 It is clear when examining the mapping for the CA boundary (**Figure 4** above) that it only follows the entire path of Oldham Road as a matter of simplicity and ease, and by default includes the site and other unrelated built form to the CA as a matter of course, rather than any relation to the conservation value of the built form. These buildings on the outskirts of the CA at the site location do not relate to the large cotton mills, the housing for workers of the mills, or the streets and buildings designed to accommodate the operation of the mills and supporting industry. They do not share the same construction (pitched slate roof, vertical styled windows, of 2-6 stories) and instead, reflect the modern commercial / industrial units and those buildings on the opposite side of Oldham Road. It is therefore considered that whilst the site lies on the boundary of the CA, its development would have no impact upon the features the CA wishes to enhance or preserve.
- 6.5 The site faces away from the CA and is viewed separately, within the context of the Oldham Road street scene which is characterised by commercial and mixed use built form and highway infrastructure. The proposed D-poster, positioned on the boundary of the CA, would have a neutral impact and would not prevent its preservation or enhancement. The recent construction of the mixed use five storey building immediately adjacent to the site demonstrates that development of a much larger size, scale, and prominence within this immediate location is acceptable, thus it can clearly be seen that a far smaller and less prominent proposal which cannot be seen from within the core area of the CA, and does not interact with the industrial buildings of the CA, would also be acceptable.
- 6.6 In terms of the proposal's impact upon the character and appearance of the street scene and surrounding area, it is considered that a D-poster would be entirely acceptable at the site location. The character of the site is mixed with commercial and industrial built form and existing advertising present without issue.

The proposed D-poster would therefore successfully integrate and would not appear as an isolated, standalone, or incongruent feature. The newly constructed five storey mixed use building adjacent to the site ensures that the proposal would neither appear overly prominent, or domineering.

- 6.7 Furthermore, the strict control over the proposal's operation (in accordance with the ILPs BIAD), its mimicry of traditional format advertising, and its significantly reduced (67%) illumination at night (100cd/m²) ensures that it would remain respectful of its surroundings at all times. This is further demonstrated by means of a recent appeal decision on an advertising site in Manchester, PINS confirmed that *"the quality of the static illuminated image which would be produced by the appeal proposal would adequately mimic a traditional externally illuminated poster board so as not to present as an alien feature"* (Appeal Ref: APP/B4215/Z/22/3303626: Land to the north of Thompson Street, M4 4BW). This is supported by **Appendix 1** which compares a D-poster display to a traditional format display. With appropriate controls in place, the digital advertisements fairly represent the traditional format advert and do not appear overly prominent or dominant by comparison. Moreover, the adaptive nature of a D-poster display and the limitations placed on maximum illumination levels, will reduce a D-poster's visibility in bright daylight conditions when compared to poster and vinyl based images.
- 6.8 It is also considered that the granting of express consent for a far more prominent digital display c. 140m north east of the site on Oldham Road at a site owned by the Council (**Figure 9-10** below), further evidences that digital displays are an accepted feature of the street scene, and contribute to its amenity improvement.



Figure 9: Aerial overview of proposed D-poster and digital display located on Council land. Red Line: D-poster proposal. Blue Line: Digital display operating on Council land.



10.

Figure 10: Digital advertising display granted express consent on Council land. Note how it appears far more prominent in its positioning and visibility when compared to the proposed D-poster.

- 6.9 There are no residential properties with views of the site, the mixed use building adjacent to the site has no windows within the gable wall facing the site. The windows and rooms facing the Oldham Road are enclosed within the building, set back from façade, and have no view of the site. Thus, the site would not impact upon residential amenity.
- 6.10 The appeal site was subject to a previous application for a digital advertising display which was dismissed at appeal on 15 April 2018 under reference APP/B4215/Z/18/3195390. The extant proposal for a D-poster display is materially different to the previously dismissed digital display, as is the environment in which the proposal would be experienced. As detailed within **Appendix 3**, the D-poster is of reduced elevation, size, bulk, and depth. Its construction and appearance are more refined, using high quality materials and a minimalistic, low key design. By comparison it would appear as a subservient feature of the street scene and would successfully integrate within the wider environs. It is considered that the reasons for dismissing the previous proposal are no longer relevant, and cannot be held as a material consideration when determining the extant proposal. Nevertheless, the applicant and appellant for completeness addresses the concerns raised by the Inspector at **Appendix 3**.

7 Reasons for Refusal

- 7.1 The Council's reasons for refusal are detailed within the delegated report under the 'Visual amenity' and 'Effect on the appearance and character of the conservation area' sections which are summarised below.

Visual Amenity

A) it is considered that the existing billboard does not make a positive contribution to the surrounding area and detracts from visual amenity. The existing billboard, which this application seeks to replace, by virtue of its size, design and siting forms an obtrusive, unsightly and dominant feature in the street scene and likewise, it is considered that any replacement advertisement board would form a similarly conspicuous element.

B) *The immediate setting of the billboard is a carpark in a large open space between buildings. The entire structure stands at five metres in height, and hence is significantly taller in height than its immediate surroundings and therefore does not relate harmoniously to the premises in which it is located.*

C) *This necessarily makes the billboard the most prominent feature in the carpark, and it therefore dominates this section of the street. In the decision on the appeal against refusal of app. ref. 117893/AOH/2017 this impact was assessed similarly by the inspector.*

D) *The angle of both the existing and proposed board southwards down Oldham Road would make the proposed billboard especially prominent when viewed northwards away from the city centre, as well as from the entrance to the Royal Mail depot opposite.*

E) *Digital advertisement posters, which have greater brightness than traditional poster boards and rotating content, are more visible and hence have more prominence in the street scape. The rotation of content, in this case six different displays sequencing every 10 seconds, would create a 'movement' to the advertisement which would necessarily draw the eye and contribute to the billboards dominant position within the street scene.*

F) *The proposed illuminance level of the digital billboard is given by the applicant as 5000cd/m². This is significantly above the 600cd/m² recommended by the Institute of Lighting Professionals. An illuminance level of this magnitude would necessarily make the billboard extremely prominent and obtrusive, ensuring the billboard would be the dominant feature in the street scene.*

G) *The proposed structure of a steel frame, with timber cladding to the lower portion below the boards itself, is considered to be of low-quality, both in its materiality and design. Hence the supporting structure, as well as the display itself, is considered to be detrimental to visual amenity.*

H) *The City Council considers that the installation of the proposed billboard would amount to advertisement clutter at the location and any new billboard would at minimum maintain this clutter.*

I) *However, as the new billboard would be digital in nature, allowing for multiple rotating adverts, it is considered that the new billboard would increase the sense of advertisement clutter.*

7.2 Effect on the appearance and character of the conservation area

K) *The introduction of a digital billboard within the conservation area would be highly incongruous with the historic character of the conservation area, which is in part drawn from the presence of many traditional brick industrial and residential buildings, including the Grade II listed Victoria Buildings a short distance down Oldham Road. In this context, a modern digital display would appear very out of keeping with its surroundings.*

L) *Concurring with this position, in the decision on an appeal to refuse a digital display at this location under app. ref. 117893/AOH/2017 the inspector noted that 'the bright, strident and overtly modern appearance of the display would not complement the more traditional style of buildings further along the road or the character of the conservation area in general.'*

M) *Given the above, it is considered that the installation of the proposed billboard would fail to protect or enhance the character or appearance of the conservation area.*

- 7.3 The Council also consider that the proposal runs counter to the aims and objectives of recently introduced strategic regeneration policies.
- 7.4 However, the Council have provided no firm evidence, details, or further information that would suggest the proposed D-poster display would prevent any regenerative efforts at, or surrounding the site location. The Council have failed to provide any indication, or plans to suggest that the proposed D-poster would hinder any works, or scheme that sets out to improve or regenerate the surrounding area. It is therefore considered that the proposal would not be detrimental to the amenity of the site or surrounding area in this regard.
- 7.5 Notwithstanding the above, 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 effects². The provisions and policies of the development plan may only be considered so far as they are material (Regulation 3). Owing to the generic nature of the Council's policies in this regard, and the lack of any site specific consideration, or assessment as to the merits of the proposal, the Council's regeneration policies and objectives cannot be considered as material when determining the appellants proposal.

8 Appellant Response

- 8.1 A) The appellant has demonstrated within the application cover letter, the response to the Planning Inspectors previous dismissal for a digital display (**Appendix 3**), and the sections above, that the proposed D-poster slimline digital display would not detract from the amenity of the site or immediate area. It is clear that the D-poster would successfully integrate to the street scene and would not appear *obtrusive*, *unsightly* or overly *dominant* as the Council indicates. Its minimalist design, use of high quality materials, and low key appearance ensures it would improve upon the existing illuminated scrolling display which is more prominent in the street scene by means of its increased bulk and depth. Furthermore, the recent construction of the adjacent five storey mixed use building sees that the proposed D-poster would appear as a subservient feature within the street scene, further enabling its successful integration with the surrounding environs. There is no evidence to indicate that the proposal would be an unduly *conspicuous element*; its design, use of materials, positioning, and elevation ensure it would blend with the existing commercial elements of the street scene.
- 8.2 Furthermore, there is no requirement within the Regulations that states advertisements must '*make a positive contribution to the surrounding area*'. Such a requirement relates only to the Council's own preferences; the Council's 'determination' that the proposal would fail to comply with said statement has no bearing on whether the proposal would be acceptable in terms of amenity. The appellant has demonstrated the proposal would be acceptable in regards to amenity.

² National Planning Policy Framework, Paragraph 136

- 8.3 B) It appears that the Council have failed to correctly observe the setting of the proposed D-poster display. As can be seen from street view images included within Section 2 of the appeal statement (**Figures 1-2**), the setting of the proposed D-poster display is dominated by the large five storey mixed use building adjacent to the site. Also adjacent to the site is a used car forecourt with two double stacked office units enclosed by metal palisade fencing. The area occupied by the vehicle dealership is far from a '*large open space*' and neither the existing or proposed display would dominate the immediate surroundings. The Council also fail to describe the presence of a second advertising display of the same size and elevation directly to the rear of the site, which currently advertises the Ancoats car sales business. There is little to suggest that the proposed D-poster would not successfully integrate to the site, the immediate surrounding area, or the street scene.
- 8.4 C) It is clear that the proposed D-poster display would not dominate the site, or surrounding area as identified above. It would not appear as an overly prominent feature when viewed by passing motorists or pedestrians as evidenced by the images provided above and **Figures 11-12** below. The Inspector's comments regarding appeal ref: 11783/AOH/2017 are fully addressed at Appendix 3. As the setting and appearance of the site / immediate area have dramatically changed, the Inspectors comments (at this point) can no longer be considered relevant to the extant proposal.

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Figures 11 & 12: The proposed display would not appear as a dominant feature of the street scene and would not appear to dominate the site as highway users and pedestrians approach.

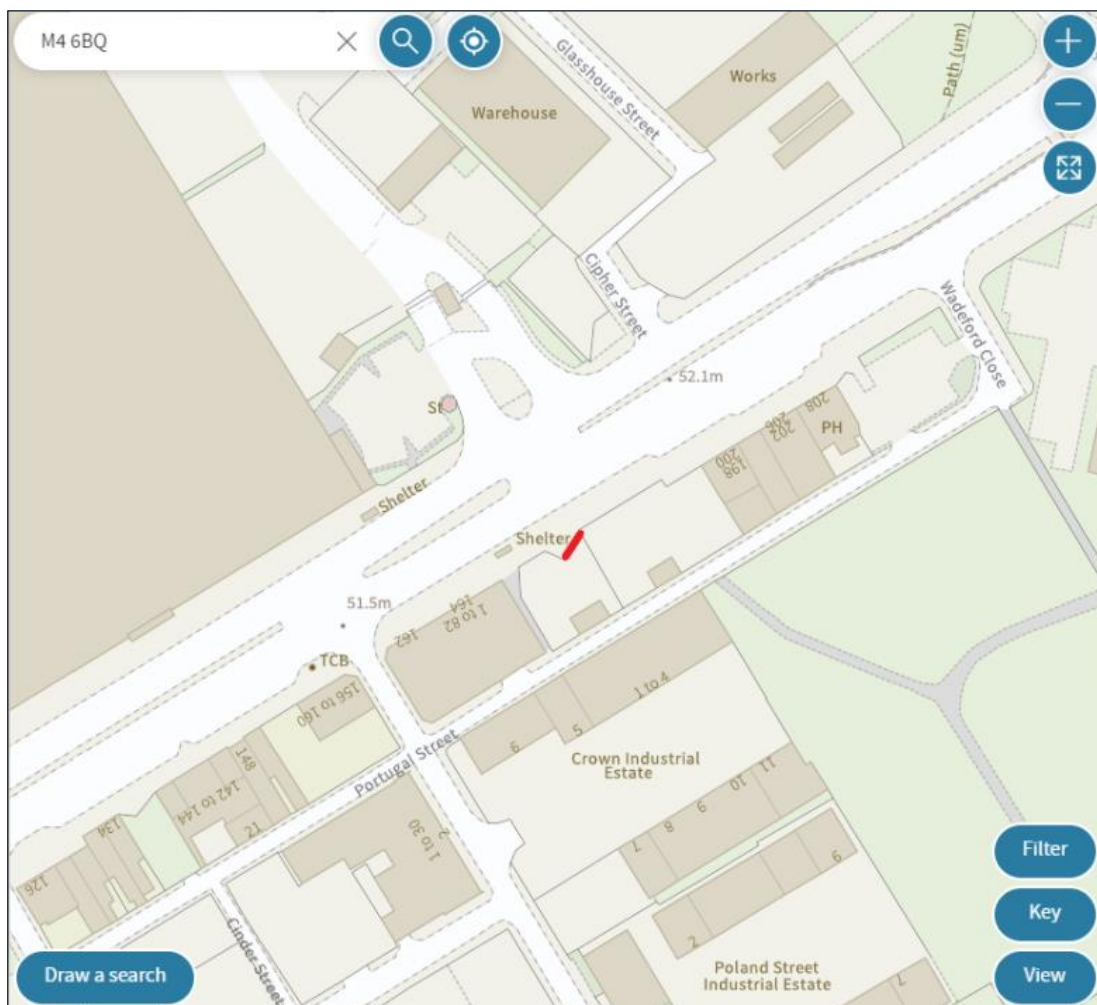
- 8.5 D) There is no evidence or reasoning to suggest that the angle of the proposed display would cause it to appear '*especially prominent*'. The proposed display would appear setback and offset from the highway and would gradually come into view as road users and pedestrians approach the site. Coupled with the strict controls governing the displays operation and illumination (mimicry of traditional format displays, 100cd/m² night limit, and 23:00-06:00 curfew), it is considered the proposed D-poster would not appear unduly prominent, or dominant of the site location. Furthermore, the Council granted consent for a digital display of far greater prominence (dominant of forward views) just 140m to the north of the site. The display is a notable feature of the highway and is landmark feature of the surrounding area. The Council's decision to grant express consent for a far more prominent and dominant digital display, demonstrates that the appellants more subdued and low key proposal should also be acceptable. For the Council to consider otherwise demonstrates a failure to practice fair and consistent decision making and would see the Council acting in an ultra vires capacity.
- 8.6 E) The Council's description of generic digital advertising, and the supposed impact of the proposed D-poster is considered to be misleading and incorrect. The D-poster display as previously described within the application form, application cover letter, and the 'Grounds of Appeal' section above, would not appear to have a materially greater '*brightness*' than '*traditional poster boards*'. The D-poster is specifically designed and calibrated so as to mimic the appearance of traditional format content; the internal sensors, timing clocks, and illumination schedules allow the display to adapt to ambient conditions, much like a modern smart phone, decreasing illumination during low light periods to ensure it does not appear overly bright or prominent, and increasing output when in direct sunlight or in bright conditions so that advertising images remain visible. During brighter ambient conditions, traditional format displays will often appear brighter as they reflect the light which falls upon the posted image. It is therefore considered that whilst the format of the display would be updated, its prominence would not materially increase, and the proposal would not appear detrimental to the street scene. At night the D-poster proposal represents a significant improvement in terms any perceived amenity impact;

illumination is limited to 100cd/m² (67% reduction) and a voluntary curfew is to be implemented from 23:00hrs to 06:00hrs.

- 8.7 The update of content once every 10 seconds over a minute's cycle would in no respect create, or lead to the interpretation of any '*movement*', this is simply incorrect as D-poster displays do not function in this manner. Moreover any '*movement*' would be strictly prohibited by both the standard Conditions held within the Regulations, and the appellants 'Recommended Conditions' at **Appendix 2**. The Council have provided no evidence or further information to support either of its positions regarding digital format illumination or the update of content. Such assumptions are considered baseless and do not represent or relate to the appellants proposal. The proposed D-poster would not appear dominant by means of its strictly controlled illumination or updating content.
- 8.8 F) The Council's statement regarding the recommended illumination levels for digital advertising displays by the Institute of Lighting Professionals (ILP) is incorrect. The ILPs PLG 05 2023 guidance document 'The Brightness of Illuminated Advertisements Including Digital Displays' recommends that digital advertisements located within Environmental Zones 3 and 4 should be limited to 300cd/m² at night and 5000cd/m² during daylight. Please see **Appendix 3** for the relevant excerpt from the guidance document. As previously stated, the proposed D-poster would adhere to ILP's recommended illumination levels for Environmental Zones 3 and 4 during daylight hours and be set to 100cd/m² at night, a 67% reduction over recommended levels. A curfew would also be implemented from 23:00hrs to 06:00hrs.
- 8.9 As has been previously discussed within the application cover letter, application appendices, the appeal statement, and appeal appendices, the illumination of the proposed D-poster would not cause it to appear '*extremely prominent and obtrusive*'. The information provided by the appellant evidences that the D-poster would be appropriately illuminated at all times, taking account of the ambient conditions in real time, and adjusting output to remain respectful of the surrounding environs. Moreover, the figures suggested by the Council are the maximum levels recommended by the ILP's guidance document, and do not represent the illumination levels required for the majority of the display's operation. For example, a D-poster display such as the proposed would only operate at 5000cd/m² on a bright summer's day when in full, direct sunlight. Illumination levels would increase to this output to allow the images to remain visible. Under normal daylight conditions, advertisements are rarely required to exceed 4000cd/m² to maintain visibility, and usually operate in a window between 3000-4000cd/m².
- 8.10 It is clear that the strict operation and careful management of the proposed D-poster's illumination would not cause it to appear '*extremely prominent and obtrusive*', or the *dominant feature in the street scene*. The Council have provided no evidence, further information, or reasoned justification to support its position.
- 8.11 G) The Council have no grounds to suggest the proposed D-poster display, supporting structure, or any cladding would be of '*low quality*'. The Council at no point during the application process requested further details, or made any comment regarding concerns over the quality of the materials used or design of the proposed D-poster. The Council have provided no evidence or further information that would indicate or suggest the materials used, and the design of the D-poster and supporting structure, would be low quality or *detrimental to visual amenity*. This is simply not the case, the materials used for the construction of D-poster displays is universal, and applied nationwide. Steelwork, framing, and cladding

materials are by their very nature, intended use, period of use, and the investment value of the site, required to be high quality in composition, design, and installation.

- 8.12 H) It is clear the proposed D-poster would not amount to advertisement clutter at the site location. The proposal seeks to replace an existing illuminated scrolling display (presents multiple advertisements over a timed cycle) with a modern digital equivalent. Highway users and pedestrians approaching the site would continue to see one advertising display at any given time. Travelling north east towards the site, there are no other visible roadside advertising displays within the site's immediate vicinity which could lead to any sense of advertising clutter or negative cumulative effects. Drivers travelling south west, approaching the site from the rear would experience no change in their view of the street scene or the visibility of advertising displays. It is noted that the Planning Inspector for appeal ref: APP/B4215/Z/18/3195390 also considered a digital display at the site location would not cause site clutter or negative cumulative effects.
- 8.13 I) There is no evidence to suggest that the presentation of updating advertisements would lead to any experience of site clutter. Clutter is experienced when multiple advertisements are viewed at the same time, or where there is a close grouping of visible advertising. The site and proposed D-poster represents neither of these scenarios.
- 8.14 Due to advertisements updating 1/10s vehicle users are at most likely to view one to two advertisements at any given time. There would be no increase in site clutter resulting from the replacement of the existing illuminated scrolling display by the proposed D-poster display.
- 8.15 J) As detailed within the application cover letter and the Grounds of Appeal section above, the proposal would not detract from the Ancoats Conservation Area (CA). The site and proposed D-poster does not interact with, and cannot be seen from the built form which the CA seeks to preserve. As previously described, the large cotton spinning mills located adjacent to Rochdale Canal and the associated red brick housing are the principle features which the CA seeks to preserve; they would remain unaffected by the proposal, as would the wider character features of the CA; the size, mass, and construction of the older buildings which are built in red brick, between two and six storeys high, with pitched slate roofs, and simply divided vertically proportioned windows.
- 8.16 No part of the CA's '*historic character*' would be affected by the proposal. The site lies within a modern commercial section of the Oldham Road, on the outer edge of the CA's boundary. Here, there are no nearby Listed buildings that would be negatively affected (**Figure 13** below), and the areas commercial / mixed use development fronting Oldham Road, possesses little heritage significance. The CA at this location is also of limited quality, with buildings in poor condition and set in an inconsistent line, style, and massing; It is considered the proposal, which would simply replace an outdated advertising display, would not detract from the immediate or wider character and appearance of the CA.
- 8.17 The proposal's location, orientation, size, and massing, determines that it would not interact with the built form or the character features which the CA seeks to preserve. Its positioning on the north eastern boundary ensures there would be a neutral impact upon the CA and would not prevent its preservation or enhancement. Furthermore, the proposal, located within a commercial setting, as discussed throughout the application cover letter and appeal statement, would not appear out of keeping with its surroundings.



13.

Figure 13: Snapshot from Historic England Map showing Listed buildings, Scheduled Monuments, Parks and Gardens, Battlefields, World Heritage Sites. The red line indicates the proposed D-poster location. There are no Listed buildings within proximity of the site (September 2023). [Historicengland.org.uk/listing/the-list/map-search](https://historicengland.org.uk/listing/the-list/map-search).

- 8.18 K) The reasons provided by the Planning Inspector for dismissing appeal ref APP/B4215/Z/18/3195390 have been specifically addressed at **Appendix 3** titled '**Appeal Decision and Appellant Response**'. The extant D-Poser proposal is materially different to the digital display proposal considered by the Inspector. The setting and context in which the proposal would be experienced is also materially different, with the addition of a five storey mixed use building adjacent to the site, which dominates the surrounding area.
- 8.19 It is clear from the images above and the use of street level imagery, that the character / appearance of the site and surrounding area is commercial in nature, and that the extant proposal would not appear as a '*bright or overly strident*' feature of the street scene. Its appearance would not be out of character with the CA, which at, and surrounding the site location comprises commercial, and large scale mixed use built form. The '*traditional style of building*' referred to by the Inspector is not present at the site location, and would not be affected by the proposal. The character of the CA '*in general*' would remain unaffected by the D-poster display.

- 8.20 In consideration of the information, evidence, details, and assessment provided by both the applicant and appellant, it is considered the proposed D-poster display would have a neutral impact upon the Ancoats Conservation Area.

9 Conclusion

- 9.1 The proposal to update the advertising site to a D-poster digital display would not detract from the amenity or public safety of the site and surrounding area.
- 9.2 The appellant has demonstrated that the proposal would have a neutral impact upon the Ancoats CA, and would not hinder any efforts to enhance or redevelop the application site in the future. The proposed D-poster is located within a mixed character area where supporting commercial built form is evident. It is sighted such that it would have no impact upon the core industrial buildings, streets, and character that the conservation area seeks to protect (cotton mills, associated roads, worker housing supportive industrial redbrick buildings aligning the Rochdale canal), as highlighted within the Council's Ancoats CA guidance.
- 9.3 Furthermore, the site is dominated by the presence of a recently constructed five storey mixed use building which dominates the immediate area. It is evident that the proposed D-poster would be subservient in its size, scale, and appearance, and would have no material impact upon the character of the street scene or immediate area. The massing of the mixed use building further ensures that the proposed D-poster would have a neutral impact upon the Ancoats CA.
- 9.4 In terms of the street scene and amenity of the wider area, the proposed D-poster's slimline nature, reduced bulk, size, and elevation improve upon the existing display and prior proposal for a digital display at the site. Moreover, its simple, low key, minimalist design in conjunction with the strict control of illumination that allows it to mimic the appearance of traditional content, provides assurance that it would appear complementary and a feature which exemplifies good design practice within a commercial location.
- 9.5 For these reasons and the positive benefits set out, it is respectfully considered that the appeal should be allowed.