

APPEAL STATEMENT

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

Site Address: Apollo Theatre, Stockport Road, Manchester, M12 6AP

Proposal: Conversion of an internally illuminated advertisement display to a D-poster.

NOTE: The appeal statement complements and should be read alongside a second appeal submitted by the appellant for Listed building consent at the site (plan ref: 135668/LO/2022).

Wildstone Ref: 349: Apollo Theatre, Stockport Road

Local Planning Authority: Manchester City Council

Application Ref: 135171/AOH/2022

Date: June 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 against the decision of Manchester Council (the Council). The application ref: 135171/AOH/2022, dated 23 September 2022, was refused by notice dated 24 April 2023. The appeal statement should be read alongside a second appeal submitted by the appellant for Listed building consent at the site location (plan ref: 135668/LO/2022).
- 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 commented as follows in their reason for refusal:

1) The proposed advertisement display by reason of its size, location, design, appearance, elevated position, means of illumination and method of display, would create an unduly obtrusive and over-dominant feature in the street-scene adjacent to a main radial route, and would form an incongruous feature within the street scene. The proposed display would thereby appear out of context with its location. The proposal would therefore have an unacceptable and detrimental impact on the listed building, on which it is proposed to be attached, and the visual amenity of the area and surrounding occupiers.

- 1.6 The Council consider the application to be acceptable in terms of public safety and have commented as follows:

"The location of the digital adverts is not considered to generate any adverse impact for vehicles travelling along Hyde Road, Stockport Road and the adjoining roundabout."

2 Site and Surroundings

- 2.1 The application site forms part of the prominent art-deco Grade II Listed Apollo theatre in Manchester. The theatre is a long established site for advertising, having hosted advertisements since its construction in the 1930s, and at the time of its listing in 1994 (art-deco interior and frontage to Stockport Road), and through to the present day (see **Figures 1 – 4** below).

¹ National Planning Policy Framework, Paragraph 132



Figures 1 – 2. Existing advertising displays to be updated and removed from site. Figure 2 highlights the Apollo theatre’s dominance of the street scene and the application site’s subservient nature (size, scale, positioning).

Figures 3 – 4. Historic images from the 1960’s; advertisements have long been associated with the Apollo theatre and have become an iconic and permanent feature. The proposal seeks to preserve and enhance the relationship between the site and Apollo theatre, updating the advertisement seen in figures 1, 2 and 4 to a modern less prominent equivalent. The adjacent advertisements seen in figures 1 and 3 will be removed.

- 2.3 The site is positioned on the north west facing gable wall of the Apollo theatre’s annex building and the north east facing gable wall of the Apollo theatre building. The site hosts a single 96-sheet (12m x 3m) internally illuminated display and two 48-sheet (6m x 3m) externally illuminated advertising displays. The site is an established location for advertising having displayed large format roadside advertisements for over 60 years. The proposal simply seeks to characterize the site by removing the two 48-sheet advertisements and updating the 96-sheet advertisement so that it meets modern requirements. The site will benefit from a 50% reduction in advertising area, 67% reduction in the number of advertising panels and reduced depth.
- 2.4 The site is immediately fronted by the Apollo car park and overlooked by all three existing displays. To the north of the site lies the busy A57 Hyde Road which provides access to Manchester city centre from the east. Beyond the Hyde Road lie five illuminated 48-sheet advertising displays and a brightly coloured multi-storey self storage building. Adjacent to the building, and to the rear of the advertising displays is a large car park. To the north west is the roundabout junction between Hyde Road, Higher Ardwick, Ardwick Green South, Brunswick Street, and the A46 Stockport Road. Beyond the roundabout is a Tesco Express supermarket. To the west lies the A46 Stockport Road, a large multistorey building under construction, and commercial / industrial buildings. To the south the A46 continues past the theatre and further car parking is present (Marshall Street car park). To the west lies a commercial building, car parking, an expansive multi-unit commercial building, a builders warehouse, and car park.

- 2.5 It is clear that the site lies within an area characterized by commercial and industrial land use, with dominant features relating to commerce and industrial practices. In this respect the site is well suited to the display of digital roadside advertising. This is further supported by the back-to-back digital displays operating 50m to the east which were granted express consent in September 2020 (14-18 Hyde Road, ref: 127518/AOH/2020).

Site Planning History

- 2.6 A proposal for 96-sheet digital display was dismissed at appeal in February 2019 (ref: APP/B4215/Z/18/3209687). The extant proposal seeks to address the Inspector's reasons for refusal to ensure that the replacement 96-sheet digital display is suitable, and does not detract from the significance of the Grade II Listed Apollo theatre, and in particular, its primary elevations fronting Hyde Road and Stockport Road.
- 2.7 It is important to note that the appeal proposal is materially different to the preceding application (and appeal) as it drastically reduces the proposed level of illumination at night, significantly reduces the depth and bulk of advertising by using slimline technology (**Appendix 1** and **drawings PA 06 – PA 08**), and improves the relationship of advertising with the Apollo theatre Listed building, the street scene, and the surrounding area. It should also be noted that whilst the proposed illumination levels are below that of the previous application, they are also substantially below the levels of the existing internally illuminated display (50% reduction) hosted by the site; the proposal would markedly improve upon the existing scenario where by a 96-sheet internally illuminated display operates with Class 13 deemed consent alongside two externally illuminated 48-sheet displays, which also operate with Class 13 deemed consent. Both 48-sheet displays would be removed thus reducing illumination levels and any perceived clutter / cumulative effects. As such, the prominence of the Grade II Listed features would be further enhanced, benefitting the significance of the heritage asset.

3 Appeal Proposal

- 3.1 The appeal proposal seeks to “repost” the existing 96-sheet internally illuminated display at the Apollo theatre's annex building's north west facing gable wall (adjacent to Hyde Road), with a “D-poster” display. The D-poster will present static two-dimensional images which update once every 10 seconds on a one minute cycle. The sequential display of advertisements will also enable content pertaining to the Apollo theatre and local area to be introduced, further supporting theatres long term use. Whilst the existing 96-sheet display is proposed to be reposted, the two 48-sheet illuminated paper paste displays mounted on the theatre's north east facing gable wall will be removed. The proposal results in a 67% reduction in the number of advertising panels, and a 50% reduction in the area of advertising at the site, whilst also eliminating any concerns over advertising clutter or negative cumulative effects.
- 3.2 The proposed display is of similar dimensions to the existing 96-sheet internally illuminated display; it measures 12m in width and 3m in height. However, the proposed digital display will significantly reduce its depth to 0.1m compared to the existing units 0.4m (see **Appendix 1** and **drawings PA 06 – PA 08**). The proposed display will, as with the existing display, be positioned 3.6m above ground level. The modern digital technology of the proposed display ensures that it is lightweight, durable, efficient, and low key. The adaptive illumination software ensures that advertising images will mimic the appearance of traditional low impact displays (**Appendix 2**).
- 3.3 The digital display will be fixed to the building in such a way that it will not damage its architectural or historic fabric.

- 3.4 The appeal proposal is submitted as part of a nation-wide project to upgrade traditional advertising hoardings to a modern digital format. This will see an overall reduction in adverts as multiple advertising campaigns can be supported by single panels. This will see the end of sites comprising a number of competing adverts all displaying different campaigns. Statistics show the number of paper and paste 48 sheets has more than halved, from 18,519 to 8,910 since 2015. This is a total reduction of 8,335 panels Nationwide, demonstrating a clear pattern of rationalisation and decluttering associated with digital upgrades.
- 3.5 As well as removing clutter, this consolidation has additional benefits, such as the reduction in vehicle trips to repost adverts every two weeks, as this can now be done remotely. Furthermore, the upgrade to a digital format will allow media operators to take a versatile approach to advertising at the site, enabling them to incorporate a 10 second slot for promotional material related to the Apollo theatre. The digital format will allow for a multipurposed use of the site, dramatically, improving local and regional awareness, whilst helping to secure the financial wellbeing of a community asset.

4 Further Benefits of Digital Advertising

- 4.1 The attractiveness of digital advertising to an infrastructure provider is that it allows the advertising network to be better managed, monitored and maintained. For operators the inherent flexibility allows smarter real time campaigns and better control over sales. These factors manifest in wider public benefits as summarised below:
- A medium for advertising specifically related to the use of the Apollo Theatre for music and cultural events;
 - Tidy and well maintained sites;
 - Uplift in business rates to spend on public services;
 - Reduction in vehicle trips and association noise, air quality and climate considerations;
 - Removal of multiple advertising sites and panels and reduction in clutter;
 - Reduction in waste involved in the poster production process;
 - Greater flexibility to enable better access to advertising displays for local businesses;
 - Platforms to broadcast emergency and public messaging;
 - Ability to use void periods for public messaging campaigns (i.e. Covid-19 Government messaging); and,
 - Opportunity to integrate additional hardware to meet Smart City objectives.
- 4.2 These are benefits to development that will not be achieved by maintaining the status quo.

5 Conditions

- 5.1 It is imperative that digital displays are appropriately controlled to ensure that they are acceptable in amenity and public safety terms. Outsmart, the advertising industry body has sought to self-regulate by introducing a code of practice that restricts the operation of digital displays. Limits ensure only static images are presented on a 1/10 second rotation with a near instant update between advertisements. The Institute of Lighting Professionals (ILP) guidelines (*The Brightness of Illuminated Advertisements Including Digital Displays PLG 05 2023* (BIADD)) have been widely adopted as a means of controlling the luminance of advertisements. This robust industry standard forms the basis of conditions applied to the majority of digital advertisement consents.

- 5.2 In accordance with the current best practice approach, the D-Poster display would operate with a system of threshold controls, timers, and light sensors to ensure that the luminance never exceeds the ILP guideline figure at night (300cd/m²) (Zone E4). The applicant & appellant further reduces night time illumination by 50% to 150cd/m², and introduces a curfew from 23:00hrs to 06:00hrs to reflect the theatre's and the surrounding local business economy's hours of operation. The significant reduction should also allay any concerns regarding '*over illumination, stridence, and incongruence*'. During daytime the screen is able to adjust (much like a modern smart phone) according to changes in the ambient light, ensuring that the brightness decreases in low light conditions. The appellant, In accordance with the ILP BIADD document includes all recommended conditions at **Appendix 3**.

6 Planning Regulations and Policy

- 6.1 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.
- 6.2 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.

7 Grounds of Appeal

Planning Considerations

- 7.1 The proposal will see a substantial (67%) reduction in the number of advertisements, and a 50% reduction in the area of advertising at the site and surrounding area. Any perception of site clutter or negative cumulative effects would be removed from the site (**Appendix 1** and **drawing PA 08**). The upgrade of the existing illuminated display to a digital display will also result in a significant improvement to the site. Whilst a direct replacement in terms of size and scale, the digital display is greatly reduced in depth, and in conjunction with its use of superior materials, design, construction, and low key appearance, it represents an important improvement to the site in regard to the visual impact on the local environment. Strict control over the proposed digital display's operation ensures that the proposal's impact upon the site and immediate area would be de-minimus and not material.
- 7.2 Note: Where the two 48-sheet displays are removed, any remediation works to the fabric of the building would be completed to the highest of standards, ensuring that the gable wall and immediate area benefits in full from the rationalisation of the site. For the replacement of the existing 96-sheet display, the same remediation works will be completed where required. The installation of the support structure for the proposed digital display will be reversable and is designed to be removed with no detrimental impact to the fabric of the building (see recommended conditions).
- 7.3 The impact of the proposal is further considered under the heritage and amenity sections below.

Heritage

- 7.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to have ‘special regard to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess’.
- 7.5 In considering applications for planning permission, local authorities are also required to consider the policies on the historic environment set out in the NPPF. The NPPF states that heritage assets are ‘an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’.
- 7.6 The NPPF (para 194) recommends that: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.7 As previously described, the site is located at the Grade II Listed Apollo theatre. Therefore, it is necessary to assess the potential impact of the proposal on the significance of the Listed building. In order to do this, it is first necessary to assess the significance of the Apollo theatre, which is done below.
- 7.8 The significance of the Listed building is derived from its architectural interest and its importance as a cultural and historical destination. The building’s external architectural interest is derived principally from the two art-deco façades. However, it is the façade which faces onto Stockport Road which contains the primary art-deco features and is of the greatest significance (**Figure 5** below). The secondary and much smaller façade (**Figure 6** below) which faces onto Hyde Road is in poor condition; terracotta tiles are missing, vegetation is growing from cracks, windows are boarded, graffiti is present, and there is a general appearance of dereliction. In terms of architectural merit, there are far fewer art-deco features, and those present (two central pillars, three small mid level minimally recessed windows, and five smaller, top level, minimally recessed windows) contain significantly less detail. It is, therefore, considered that the significance of the Apollo theatre heritage asset, in terms of its exterior architectural features, is almost entirely derived from the façade which faces Stockport Road.
- 7.9 The Stockport Road façade, as with the entire Apollo theatre was completed in the 1930s in the art deco style, with the white glazed terracotta brick the most expansive and prominent feature. Also of importance are the rounded front corners, the large centrally recessed rectangular windows, the vertical pillars at ground floor, the black accented pillars at first floor level, the adjacent individual art deco stylings with rounded windows, and the smaller rectangular recessed windows at the top of the building which lie between two further pillars. The façade is in a reasonable state of repair, with small sections damaged by weathering and lack of maintenance. These primary features are visible in short to medium range views due to the intercepting nature of the surrounding built form. They are also largely viewed without the site or proposed display being particularly evident.



5.

Figure 5: The Apollo theatre art deco façade facing Stockport Road.



6.

Figure 6: The Apollo theatre art deco façade facing Hyde Road

- 7.10 The remaining gable walls of the building are of no architectural merit and are of plain red brick / utilitarian appearance with rectangular windows. Attached to the walls are modern electricity conduits / cabling, guttering and drainage piping, security lighting, roller shutters covering multiple entrances, large metal waste bins, and security cameras.
- 7.11 In terms of the building's contribution to culture and history, it forms an important modern landmark within the local community. It is known as a destination which has championed and supported the arts and entertainment for over 90 years. Its continued usage is important to the local community in terms of its continuing contribution to culture, and the preservation of a historic building from an era not represented elsewhere in the surrounding area.
- 7.12 In light of the above findings, it is considered that the Grade II Listed Apollo theatre is of modest significance, owing to the primary architectural features of the Stockport Road, its largely unchanged internal features, and its cultural / historical importance within the region. The façade facing Hyde Road is of such a poor state of repair that its significance has been significantly devalued. The remaining plain red brick wall elevations are considered to have no architectural or historic value.
- 7.13 The proposal (as with the existing unit) is not considered to detract from the building's significance, nor the individual features which comprise and contribute to its Grade II listing, as demonstrated below.
- 7.14 The described features of the listed building are coloured white (glazed terracotta) and form a highly prominent and expansive façade which dominates and imposes upon the surrounding area. It is highly

visible in views and forms a landmark destination. Conversely, the proposal is a low key, slimline advertising display, set against the drab red brick gable wall of the theatre's annex building, 40m to the rear of the theatre's Stockport Road façade. The slimline nature of the proposed display improves the site's long term relationship with the building and façade, reducing its stature and prominence in closer views, whilst also mimicking the appearance of the historic poster based promotion advertisements. The digital aspect of the display will also enable promotional material to be displayed, supporting the long term use of the theatre building.

- 7.15 Whilst the proposed display would be setback from the main façades, it would also be considerably offset, causing it to appear separated from the frontage of the theatre (**Figures 6- 9** below). Furthermore, **Figures 6- 9** (below) highlight that when viewing the proposal over short and moderate distances, the façade is only partially visible in peripheral views, with its frontage largely obscured. In longer views the proposal and façade would be visible in a forward field of view, however, the grandiose nature of the theatre building and the brightly coloured façade sees that it increasingly becomes a point of focus, whereas the slimline display of a far more discrete nature, becomes less notable, and subservient to the advertisements north of the site and adjacent to the roundabout junction (**Figures 6 – 8** below).
- 7.16 This positioning, in conjunction with the strict controls over the proposed display's operation, ensures that it would not draw undue attention, and would not appear overly prominent. The display would be switched off between 23:00hrs and 06:00 hrs, and Illumination levels would be 50% lower than the existing internally illuminated display at night, notably reducing the advertisement's visibility in long and moderately ranging views. During daylight, the proposal will mimic the appearance of the existing display through use of adaptive illumination software (**Appendix 2**). The update of content would be smooth and seamless, with no effects to identify the transition between advertisements; the act of advertisements updating would not draw undue attention to the site, nor would it be visible as a noteworthy feature to attract the attention of passersby. Thus, during daylight there would be little, if any material difference between the existing and proposed display either by means of illumination or its digital nature (see **Appendix 1** and **drawings PA 06 – PA 08**).



Figures 8 – 9: The separation between the proposed display and the theatre's façade is substantive due to its setback and offset positioning. Views of the theatre's façade are limited to the periphery when travelling towards and

approaching the site. Removal of the two adjacent displays (highlighted) will further contribute to improved views of the site, its reduction in prominence, and the enhancement of the Stockport Road facades significance.



Figures 10 – 11: Longer range views of the site and proposed display would be dominated by the massing of the theatre building, the prominence of the façade, and the existing advertising displays adjacent to the site. The proposal will further reduce the sites visibility with the long range view with the removal of the two highlighted displays.

- 7.17 It is, therefore, considered that the proposal to upgrade the existing illuminated 96-sheet display to a digital display whilst removing the two existing 48-sheet units, would not draw the eye in an obtrusive manner such that it would stand out beyond the theatre’s entire massing, and its far more prominent white Art Deco façade. The proposal would not appear unduly dominant or draw attention from the Listed building’s decorative features. It would not therefore diminish the buildings architectural appearance or its historic and cultural importance. The digital display will enable advertisements to be displayed, linking to the use of the site, whilst also providing a much needed revenue stream for the upkeep of the building’s historic features. This will encourage the continued preservation of the building’s cultural identity and function for future generations. The removal of the two 48-sheet units would not only reduce the number of panels and area of advertising on site, but also ensure that any sense of site clutter or negative cumulative effects is resolved. The proposal would result in a minor improvement to the significance of the heritage asset.

Amenity

- 7.18 As the proposal seeks to “repost” the existing advert and therefore mimic the existing situation, there will be minimal impact on visual amenity during the daytime. At night, the display would be switched off between 23:00 and 06:00, and night-time illumination settings would ensure that the level of illumination is appropriate to the local area and lower than the existing internally illuminated advert. It should be noted that operating in this manner would see the proposed display illuminated to 150cd/sqm; a substantial reduction when considering the existing internally illuminated unit can function at 300cd/sqm. The proposal, including the removal of the two 48-sheet displays, has potential to drastically reduce the prominence of advertising at the site, to the benefit of the theatre and immediate area.
- 7.19 As previously demonstrated, the setting of the site and immediate area is entirely commercial in character and land use; it is therefore considered appropriate for large scale roadside advertising. The size and scale of the proposal would be in keeping with the theatre’s annex building, appearing subservient to its far larger massing. The annex building would frame the display and ensure that it does not appear as an isolated, standalone, or unduly dominant feature.
- 7.20 In regard to views of the proposed display, its location is considered to be entirely appropriate; it would be viewed in the same context as existing advertising displays which lie adjacent to the Hyde Road, the large commercial buildings adjacent to the site, the surrounding highway network, and the imposing Apollo theatre building.

8 Reasons for Refusal

- 8.1 The Council's reasons for refusal are detailed within the officer / delegated report under the 'Issues' section after the listing and commentary regarding the Council's Core and UDP policy. The appellant has reproduced the Council's comments below (page 9, para 5) which relate to a) impacts upon the Apollo theatre Listed building, and b) impacts upon the visual amenity of the surrounding area.

Impacts to Apollo theatre Listed building

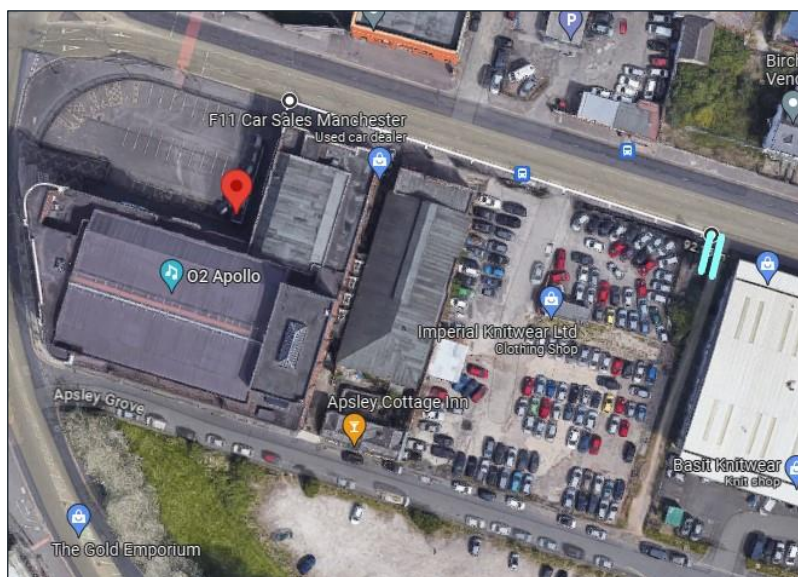
- 8.2 *A) The proposal would fail to be positively related to the surrounding context. Particular consideration has been given to the prominent high level position of the sign adjacent to a key radial route through the city and the additional prominence of the signage due to illumination and incorporation of changing images, which would materially affect the character of the street scene.*
- 8.3 *B) It is not considered that the proposal would preserve or enhance the character of this strategically important Grade II Listed Building.*
- 8.4 *C) The advertisement is considered to be a large and dominant feature on the building, The illuminated digital imagery as a feature on a listed building would create an over dominant feature on a key visible elevation of the existing building.*
- 8.5 *D) Again, it is acknowledged that the Local Planning Authority has not sought the removal of the unauthorised hoardings through enforcement proceedings, however again it is not considered that this provides a sound justification for the approval of further advertisement consents on this important listed building, to the detriment to the setting and character of the listed building.*
- 8.6 *E) It is considered that the proposed digital advertisement would have a greater impact on the character of the listed building and would constitute substantial harm to a heritage asset.*
- 8.7 *F) It is considered that the proposed advertisement has no relationship with the character and appearance of the Listed Building, appearing as an obtrusive and over dominant feature that covers some of the historic features and fabric of this important art deco building.*
- 8.8 *G) It is considered that the advertisement would also draw attention away from the decorative façade that fronts onto Stockport Road and draw attention to the side elevation of the property, where the advertisement would be positioned. This impact would be further exacerbated by the introduction of the proposed means of illumination including the introduction of changing images.*
- 8.9 *H) This would draw further attention to the display, significantly increasing its impact as an incongruous feature within its surroundings, as it would become the display, rather than the listed building, that would draw the observers attention, making it appear unduly dominant and draw attention away from the listed building's architectural and artistic interest, which would considerably further diminish the special significance of the designated heritage asset.*
- 8.10 *I) This view was also emphasised, by the Planning Inspector, when considering the previous appeal on this site.*

Impacts upon visual amenity

- 8.11 J) *The proposed advertisement would have an unacceptable detrimental impact on the visual amenity of an area next to a major gateway route and principal corridor of movement and two major routes through the City Centre due to its size, design, location and appearance.*
- 8.12 K) *There are already a number of existing advertisement hoardings in the vicinity of the application site and this is a further elevated 96 sheet advertisement on the south side of Hyde Road offering a digital/moving image display.*
- 8.13 L) *As stated above, this impact would be further exacerbated by the introduction of the proposed means of illumination including the introduction of changing images. This would draw further attention to the display, significantly increasing its impact as an incongruous feature within its surroundings.*
- 8.14 M) *Therefore, the advertisement due to its size, design, location and appearance would be overly large and over dominant within the street scene and would constitute an incongruent feature on the fabric of this Grade II listed building.*

9 Appellant Response

- 9.1 A) It is considered that the proposal is appropriately related to its immediate and wider context. It is a minimalist slimline advertising display located within a commercially orientated environment where advertisements and similar commercial features are expected to be located, and are currently visible. The site and immediate area have hosted advertising hoardings for over 50 years as indicated by the historic imagery above. The site itself operates as a commercial location, and has likely been supported by advertisements since first operating as a theatre. The proposal simply seeks to continue the long accepted provision of advertising at the site whilst utilising modern, minimalist, and low impact technology. The positioning of the proposed display is not overly prominent given it is to be located on a secondary elevation; it is elevated to a position midway up the host gable wall and matches the elevation of the adjacent advertising hoardings. Its elevation is sufficient for passers-by to note advertisements without the theatre's low level fencing encumbering views.
- 9.2 The location of the display adjacent to a 'key radial route' is not problematic; it is in such locations that road side advertising displays are expected to be seen and where advertising guidance suggests hoardings should be located. Moreover, the Council granted express consent for two back to back digital advertising displays at a similar location to the site just c. 90m to the south east under reference 127518/AOH/2020 on 8 September 2019 (**Figure 12** below). There is no indication or evidence to suggest that locating advertising displays in such positions would be inherently detrimental to the street scene, or the character and amenity of the wider area.



12.

Figure 12: Two back to back digital advertising displays (blue lines) located c. 90m south east of the proposal site. Both displays were granted express consent by the Council on 8 September 2020 under ref: 127518/AOH/2020. They are located within a similar location and viewed within a similar context to the proposed advertisement, demonstrating the acceptability of digital advertising within this area.

- 9.3 Regarding illumination and the rotation of advertisements / images, as extensively discussed and demonstrated within the sections above, the proposal would not negatively impact the character or appearance of the street scene. Illumination levels, and the visibility of advertisements are carefully calibrated and strictly controlled over a 24-hour period. Advertisements by design, are to mimic the appearance of traditional format images, with there being no material change to the perceived brightness and visibility of content. However, as the appellant recommends reducing night time illumination to 150cd/m² and implementing a curfew, the proposal is likely to be less prominent than the existing internally illuminated backlit unit which typically operates throughout the night at up to 300cd/m².
- 9.4 It should be noted that this will be a materially lower brightness than a standard digital billboard would operate at. This would mean that the billboards would have a muted appearance comparable to the existing advertisements. It should be noted that for this reason, digital advertisements in the wider area would not be comparable as they would be operating at levels significantly in excess of the appeal proposal and would therefore, appear as if they were more prominent and strident and would not be directly comparable.
- 9.5 B) The appellant considers the proposal offers the potential for tangible improvements to the character of the Apollo theatre, as demonstrated within the CGI drawings at PA 08. Not only will the proposal reduce advertising at the site by 67%, but it will also reduce the prominence of the existing 12m x 3m internally illuminated display and ensure that it is only operational during commercial hours. The business rates and rental income generated by the proposal have potential to fund improvement and preservation works to the building which would otherwise not be available while also providing increased opportunities for advertising pertaining to the commercial use of the Apollo theatre. It is therefore considered the proposal would constitute a material public benefit and an opportunity to preserve and enhance the 'significance' of the Apollo theatre Listed building.
- 9.6 C) As discussed above and evidenced within the application and appeal drawing pack, the proposal would not appear as an overly dominant feature, by means of its size, elevation, illumination, or presentation of digital imagery and would be located on a secondary and utilitarian elevation. There is no evidence to

suggest that the proposed display would be unsuitable, and to the contrary, the appellant has provided reasoned evidence and justification that indicates the proposal would be an acceptable feature at the site and within the context of the surrounding area. The proposal's 67% reduction in advertising, its mimicry of traditional content, and curfew ensures it would positively contribute to the appearance of the Apollo theatre.

- 9.7 D) The existing advertising displays hosted by the site benefit from Class 13 deemed consent having been in position for the past 10 years; they are entirely lawful. The proposal is to be considered on its own merits, not whether the Council consider it justifiable in relation to the presence of the existing advertising displays on site. Furthermore, the proposal would result in a material improvement to the character and appearance of the Apollo theatre as highlighted throughout the appeal statement.
- 9.8 E) The evidence / documentation provided by the appellant as part of the application and appeal processes clearly demonstrate that the proposal would result in improvements to the character and appearance of the Apollo theatre, and would reduce any perceived harm to a heritage asset. The bulk and prominence of the 12m x 3m advertising display would be reduced, as would night time illumination, and a curfew would be introduced at night. Both of the adjacent 6m x 3m displays would be removed from site resulting in a significant (67%) reduction in advertising displays and a 50% reduction in advertising area.
- 9.9 F) As previously described the proposed advert will continue a long established and accepted tradition of presenting advertising content at the appeal site. The historic imagery included within the appeal statement identifies advertisements dating to back to at least the 1960s. Advertising is an embedded feature of the Apollo theatre's character, commercial use and appearance and likely dates back further to when the building first opened and operated as theatre. The locations are on secondary and utilitarian elevations which do not detract from the primary elevations fronting Stockport and Hyde Road.
- 9.10 The carefully designed digital display will use high quality, low impact materials, to ensure a minimalist appearance, as indicated within drawing PA 08. It is therefore considered the proposal would not appear as an obtrusive or over dominant feature. Furthermore, the proposed display would not cover any historic features / fabric of the theatre building; it is located at the north west facing gable wall, which is an annex building of brown brick construction, with no architectural features. The art deco facade located 40m in advance of the proposed display would not be impacted upon by the proposal.
- 9.11 The advertising has also been designed so it can be readily removed without damage to the building in the future if needed.
- 9.12 G) As can be seen within the drawing pack CGI imagery, the proposal would be unlikely to materially draw the attention away from the Stockport Road façade. The façade is a large c. six storey bright white terracotta frontage which stretches some 50m along Stockport Road. The large centrally recessed window, vertical pillars, royal blue signage background, and upper recessed windows dominate the immediate and surrounding area. These primary features are visible in short to medium range views due to the intercepting nature of the surrounding built form. They are also largely viewed without the site or proposed display being particularly evident. The proposal (as with the existing unit) is not considered to detract from the facade, nor the individual features which comprise and contribute to its Grade II listing.
- 9.13 The proposal is a low key, slimline advertising display, set against the drab red brick gable wall of the theatre's annex building, 40m to the rear of the theatre's Stockport Road façade. The slimline nature of the proposed display improves the site's long term relationship with the building and façade, reducing its stature and prominence in closer views, whilst also mimicking the appearance of the historic poster based

promotion advertisements. Sections 7.13 – 7.17 above further address the location of the proposed display and its lack of impact upon the Stockton Road Façade, and Apollo theatre as a whole. Furthermore, and as previously evidenced, the proposal's illumination and update of images would not cause the display to be detract attention from the façade, or draw attention the side elevation of the property.

- 9.14 H) There is no evidence to suggest that the proposal would become an 'incongruous' feature within its surroundings. The proposal has been specifically designed to avoid drawing unnecessary and undue attention. The materials, framework design, illumination restrictions, and strictly controlled operation would ensure that the proposal and site remain appropriate for their context and surrounding environment. As discussed above and within the 'Heritage' and 'Amenity' sections of this appeal statement, the attention of observers is unlikely to be drawn away from the Stockport Road façade which is significantly more prominent, and a dominant feature of the surrounding area. The proposal would not as the Council suggest, '*considerably diminish the special significance of the designated heritage asset*'. It is considered the proposal would have a neutral to positive influence upon the Apollo theatre by significantly reducing the advertising at the site, in terms of the number of visible displays (67% reduction) and the area of advertising (50% reduction). The proposal would result in a positive contribution to the appearance and special significance of the Listed building.
- 9.15 I) The extant proposal as explained within the application cover letter and the appeal statement is materially different from the previous proposal for a large and bulky advertising display at the site, which sought to retain the 2 x 48 sheets on the adjacent elevation. It is considered that the Council have failed to demonstrate that the proposal has been assessed on its own merits and has simply been refused as a matter of due course in line with the previous decision. Moreover, in this case, the Inspector's findings for the previous advertising proposal are not considered to be relevant to the extant proposal, and should not be used as reasoning for the refusal of advertising consent and instead a fresh assessment of this materially different proposal is needed.
- 9.16 J) As has been demonstrated throughout the appeal proposal, application cover letter, submitted drawings, and appendices, the proposal would not have a materially detrimental impact upon the visual amenity of the immediate or surrounding area.
- 9.17 The site clearly lies in a commercial location where similar development is an accepted feature of the street scene and wider surroundings. There are existing digital displays in proximity to the site also at a '*major gateway route and principle corridor of movement, and two major routes through the city centre*' which the Council granted express consent for under reference 127518/AOH/2020 on 8 September 2020. In granting the express consent, the Council considered the very same amenity impacts and considered the proposal acceptable when lying within the wider setting of the Listed building (however they cannot be seen in the same views as the proposal). It stands to reason that a similar proposal some 50m further north west, should also be acceptable in this regard, especially as it appears as subservient development when compared to the much larger and domineering host building. The proposal's design, appearance, and location has been thoroughly demonstrated to be in keeping with the amenity of the street scene and surrounding area.
- 9.18 K) Whilst there are existing advertisements within the surrounding area none are located within a position that would cause the proposal to contribute towards or generate site clutter or negative cumulative effects. The proposal would result in the reduction of advertising within the surrounding area in line with nationwide trends to modernise and rationalise advertising. The proposal would not present moving or apparently moving images, all advertisements are to be two dimensional and static, as stated on the application form and application cover letter.

- 9.19 L) As previously demonstrated, the proposal's illumination and update of content would not cause it to draw unnecessary or undue attention. The technology included within the digital display coupled with strict control over the unit's operation ensures that it would not appear as an incongruous feature of the surrounding area. The proposal would successfully integrate to the street scene without issue.
- 9.20 M) The appellant has evidenced throughout the application and appeal process that the proposed digital display by means of its size, design, position, and appearance, would be a suitable feature at the site location. The Appellant has further demonstrated that it would not negatively impact upon the Apollo theatre Listed building, and would to the contrary, improve the site's relation with the theatre building. The proposed display would be assimilated by passers by without detracting from the Listed building, street scene, or character of the wider area.

10 Conclusion

- 10.1 Regarding heritage, as evidenced throughout the planning statement and appeal statements, the reduction in the number of advertising displays and visible area of advertising, combined with the update of the existing 96-sheet display to a slimline digital equivalent would positively affect the significance of the Apollo theatre Listed building. The Cultural and historic importance of the building would be preserved for future generations, whilst the internal and external art deco architectural features would benefit from the reduced prominence of the site, and the increased financial contributions from the proposal for their upkeep, repair, and maintenance.
- 10.2 Furthermore, the slimline nature of the proposal (significant reduction in the bulk and depth of the display), the strict operational controls placed on the proposed display (reduced illumination and night time curfew), its setback and offset positioning, and the 40m separation distance from the Apollo theatre's Stockport Road façade, ensures that it will not detract from the building's protected features (**Appendix 1 and drawings PA 06 – PA 08**) located at the theatres Stockport Road façade. In every aspect, views of, and the prominence of the site will be reduced by the upgraded digital proposal and removal of the adjacent billboard displays.
- 10.3 In terms of amenity, the appeal proposal will not change the size, position, or orientation of the existing 96-sheet internally illuminated display. The proposal will update the display to a digital format; as such, during daylight hours there will be no material difference to the appearance of the display, and at night, the 50% reduction in illumination will substantially reduce the displays visibility and prominence within the street scene and will ensure that the display has a muted appearance when compared to standard operating conditions for digital advertisements. A curfew will be implemented from 23:00hrs to 06:00hrs to ensure it remains respectful of the surrounding environs at night. The proposal will also result in a 50% reduction in the area of advertising and a 67% reduction in the number of visible advertisements, reducing any sense of site clutter or negative cumulative effects. The implementation of a modern, well designed, high quality, low key commercial feature, alongside the removal of two aging advertising units will complement and improve the area's commercial character. The site will appear subservient to the Apollo theatre, and successfully integrate to the street scene.
- 10.4 For these reasons and the positive benefits set out, it is respectfully requested that the appeal against the Council's refusal to grant express consent is allowed.