

Appeal Decision

Site visit made on 12 October 2016

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2016

Appeal Ref: APP/Z4310/Z/16/3153063

Land at the corner of Islington and Fraser Street, Liverpool, L3 8LR

- 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.
 - The appeal is made by Primesight Limited against the decision of Liverpool City Council.
 - The application Ref 16A/0628, dated 3 March 2016, was refused by notice dated 28 April 2016.
 - The advertisement proposed is 1 No. digital 48-sheet display.
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Decision

1. The appeal is allowed and consent is granted for 1 No. digital 48-sheet display as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The internally-illuminated advertisement panel shall not exceed a luminosity of 300 cd/m² between dusk and dawn, as defined by official lighting up times, and 600 cd/m² above the ambient light level outside of these times. The luminance level shall be adjusted should there be evidence that the brightness of the screen is causing demonstrable harm to highway safety and the City Council as the local Highway Authority has the authority over subsequent owners or operators to require the brightness levels to be adjusted to reduce any distractions to motorists and the City Council will retain this right to intervene in perpetuity.
 - 2) The internally-illuminated advertisement display shall only display two dimensional static images, not containing any moving (or apparently moving) images, text or emblems and shall not depict road signs or traffic signals. Furthermore, any sequential advertisements shall not change advertisements more frequently than once every 10 seconds and shall change in a smooth gradual process of not more than 1 second and not less than 0.5 of a second, unless otherwise agreed in writing by the Local Planning Authority.
 - 3) The illumination of the advertisement shall not at any time be intermittent.

Main Issue

2. The main issue is the effect of the proposed advert on the visual amenity of the area.
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Reasons

3. The appeal site is a car park at the junction of Islington and Fraser Street. Islington is one of the main routes into Liverpool city centre and as such is heavily trafficked. There are a range of buildings visible from within the city centre surrounding the site and the character of the area is that of a busy, commercial, urban environment next to a main highway.
4. There is a variety of street furniture along the highway close to the site, including street lights and road signs. There is also an advert displayed in front of a coach station opposite the appeal site, which is a 7.5 x 5m LED digital display that was approved following an appeal¹. At the time of my site visit, the coach station appeared to be in the process of being demolished. However, the digital advert remained in place.
5. The proposal seeks consent for a digital LED 48-sheet display that would be approximately 6m wide and 3m high. Taking account of the supporting structure, the advert would have a maximum height of approximately 6m from ground level. It would be positioned at the front of the car park.
6. The proposed advert would be situated so as to face towards Islington and would therefore be visible in long distance views by motorists when travelling along the highway. However, the 'proposed view' submitted with the appeal shows that the height of the proposed advert would sit below that of the closest building to the rear of the appeal site. The mass of the existing buildings behind the proposal would therefore form a backdrop against which it would be seen. Whilst I note the Council's concerns regarding the positioning and proposed illumination of the advert, taking account of the busy urban environment that surrounds the appeal site, I consider that the appeal scheme would be capable of being successfully visually assimilated within the existing streetscene such that there would be not harm to visual amenity.
7. Whilst every proposal does fall to be assessed on its own merits, I am also mindful that the poster display advert on the site nearby has the same method of illumination and that the luminance levels are greater than that of the proposal before me. The documents submitted with the appeal show that the proposed advert would sit comfortably alongside the existing advert when seen from more long distance views along Islington, with a suitable separation distance between them such that the proposal would not result in additional or undue visual clutter.
8. The existing buildings to the rear of the appeal site already screen views of the lower part of the monument within the Conservation Area (CA) and other Listed Buildings within it. Furthermore, the boundary of the CA is formed by Commutation Row and therefore Camden Street runs in between the CA and Fraser Street where the appeal site is situated. Therefore, as the proposal would be lower in height than the existing buildings to the rear and taking account of the separation distances involved, I am satisfied that there would be no harm to the character or appearance of the CA as a consequence of the proposal.
9. A previous appeal for an advert at the appeal site was dismissed² with the previous Inspector concluding that the scheme would be harmful to the visual

¹ APP/Z4310/Z/15/3009045 Decision date: 16 July 2015

² APP/Z4310/H/10/2141705 Decision date: 24 February 2011

amenity of the area. However, the previous appeal was issued over 5 years ago and since then there have been changes to the visual appearance of the area including the development of the car park at the site. Furthermore, I note the Inspector in the previous 2015 appeal relating to the advert at the former coach station site assessed the view which forms part of the same cityscape of the appeal proposal before me. When describing the view along Islington to the CA and across the Fraser Street car park (the site which is the subject of this appeal), the previous Inspector considered it to be of no great quality and they concluded that the scheme would create visual interest. For the reasons given above, I am in agreement with the Inspector's conclusion and consider that the appeal proposal before me would add visual interest to the area and would sit comfortably in the streetscene.

10. Accordingly, I conclude that the proposed advertisement would not be unduly harmful to the visual amenity area, nor would it conflict with the aims of the Council to improve the appearance of the transport corridors into and out of the City centre.
11. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken into account policies GEN9, HD25, HD18, HD12 and OE15 of the Liverpool Unitary Development Plan (Adopted November 2002), they have not been a decisive consideration in reaching my decision.

Conditions and Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.
13. I shall impose the five standard conditions set out in the Regulations. I have also specified in the formal decision that the period of consent is for five years which reflects that which was applied for.
14. Consents are automatically given for five years, unless specifically stated otherwise. After the five year period, the scheme would benefit from deemed consent and could continue to be lawfully displayed. However, there is no firm evidence before me to indicate that the advertisement would be likely to be unacceptable at the end of the specified period. As such, a condition restricting the period of consent and requiring the advert to be removed would not be justified.
15. Given the proximity of the appeal site to a busy highway, there is a need to control the brightness of the display in the interests of public safety and visual amenity. However, I have used the appellant's suggested wording as this will ensure that the advert remains visible in bright sunlight during the day.
16. Suggested condition No. 5 essentially restates the five standard conditions set out in the Regulations and is therefore not necessary.
17. A condition requiring the scheme to be carried out in accordance with the submitted plans is not necessary as my decision grants express consent, not planning permission.

V Lucas-Gosnold

INSPECTOR