The Planning Inspectorate

# Appeal Decision

Site visit made on 27 March 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 7 April 2017**

**Appeal Ref: APP/M4320/Z/16/3162177**
**Wickes, 75-91 Ormskirk Road, Aintree L9 5AE**

- 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 Mr Rob Smith against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2016/01839, dated 13 September 2016, was refused by notice dated 31 October 2016.
- The advertisement proposed is '1 No. free standing pole mounted internally illuminated LED 48 sheet sign'.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description of development provided by the application form has been updated in subsequent documents. I have, therefore, adopted the updated description in the appeal form which I consider accurately reflects the proposal before me.

3. The appellant did not provide any specific grounds of appeal to accompany the appeal form. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to Saved Policies AD2, DQ1 and MD7 of the Sefton Unitary Development Plan (UDP), adopted June 2006, that it considers relevant to the appeal. I have taken the policies and guidance into account as material considerations, in so far as they relate to public safety and amenity.

4. The Council's decision notice also refers to Emerging Policies IN2, EQ3 and EQ11 of A Local Plan for Sefton - Proposed Modifications June 2016. Although, the Local Plan has not been adopted at the present time, the Inspectors Report has now been published and the Council is preparing to adopt the Local Plan on 20 April 2017. Significant weight is, therefore, given to the emerging policies in so far as they relate to public safety and amenity, given that they are not subject to unresolved objections.

## Main Issue

5. The main issue is the effect on public safety, with particular regard to matters of highway safety, and amenity.

## Reasons

6. The proposed internally illuminated 48-sheet advertisement with images changing at intervals would be located in a commercial setting in close proximity to the south east elevation of the Wickes superstore. An existing non-illuminated pole mounted static sign is sited where the advertisement is proposed. The advertisement would be pole mounted and would adjoin a two-way slip road of Ormskirk Road (A59) in a position immediately adjacent to an access to the goods delivery entrance. The access also serves as the egress from a car park associated with an adjacent commercial property. The advertisement would be seen by road users approaching from a southern direction along the slip road and an adjacent section of dual carriageway.

7. Saved Policies AD2, DQ1 and MD7 of the UDP, when taken together, are relevant to matters of public safety in seeking safe and adequate access and circulation within the site and in its connections to the public highway. In addition, Emerging Policies IN2, EQ3 and EQ11of the Local Plan, prioritise the safety of users of the public highway.

8. With regard to the above, the PPG[1] states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The PPG does advise that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline, as would be the case with the proposal before me. However, the PPG[2] also lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which would because of their size or siting, would be likely to distract road-users because of their unusual nature. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.

9. The proposed sign would be exactly the type of advertisement referred to above. However, the guidance in the PPG relating to advertisements in terms of public safety does not, in itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway safety. The individual circumstances of the site and its surroundings are, therefore, necessarily considered.

10. Ormskirk Road has a relatively straight alignment as it passes the site. However, the sign would be adjacent to a two-way slip road that adjoins a dual carriageway. This section of Ormskirk Road is also between two junctions controlled by traffic lights with additional filter lanes to the left and right, together with a further one-way slip road and bus layby nearby. The dual carriageway and slip roads are very heavily used and drivers on the two-way slip road often have to overtake parked vehicles, where there are also a number of accesses from commercial uses with limited visibility. Having driven along both the dual carriageway and slip roads during my mid-morning site visit, the complex access and junction arrangements require high levels of concentration with due care and attention for other road users, especially for motorists unfamiliar with local road conditions.

[1] Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014
[2] Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

11. The introduction of an internally illuminated LED 48-sheet sign, which would display a variety of images changing at intervals, would draw the attention of motorists to a significantly greater degree than the existing non-illuminated static sheet sign that it would replace and other similar signs within the area. The sign would not obstruct visibility from existing accesses. However, due to its siting, design and scale it would draw the eye of motorists at moments where road users are required to exercise care and attention to safely negotiate a busy stretch of highway where traffic signals are nearby and vehicles are often changing lane and speed due to the complex junction arrangements. In this respect, the proposal would unduly distract the attention of the users of Ormskirk Road resulting in an increased risk of accidents and, therefore, would have an unacceptable impact upon highway safety. Consequently, the proposal would harm public safety.

12. The Council raises no issue in relation to amenity. From the submitted evidence and my observations of the site and its surroundings, I have no reason to disagree with that finding. No examples of similar internally illuminated LED signs were visible in the immediate locality at the time of my visit. However, a number of 48-sheet advertisements were evident, together with a range of other illuminated and non-illuminated advertisements to nearby retail units including fascia, projecting, hanging and free-standing signs in the commercial setting. In such circumstances, where a range of different advertisements are a common feature, the proposal would not harm the character and appearance of the area or the commercial units surrounding. Nevertheless, the absence of concern in terms of amenity is a neutral factor and does not override the harm otherwise identified in terms of public safety.

13. I conclude that the advertisement would harm public safety, due to the unacceptable impact upon highway safety identified. The proposal, therefore, conflicts with Saved Policies AD2, DQ1 and MD7 of the UDP, Emerging Policies IN2, EQ3 and EQ11 of A Local Plan for Sefton and the Framework in that respect.

**Conclusion**

14. For the above reasons, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR