



Appeal Decision

Site visit made on 18 June 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/Z4310/Z/19/3226593

46 Speke Road, Garston, Liverpool L19 2PA

- 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 Jonathan Chandler (Wildstone Capital), against the decision of Liverpool City Council.
 - The application Ref 19A/0092, dated 21 December 2018, was refused by notice dated 19 February 2019.
 - The advertisement proposed is removal of 1 externally illuminated 48 sheet poster display and replacement of 1 96 sheet externally illuminated poster display with 1 48 sheet internally illuminated digital display and associated logo box.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework and the national Planning Practice Guidance all confirm that advertisements should be subject to control only in the interests of amenity and public safety.

Main Issue

3. The main issue is the effect of the proposed internally illuminated digital display advertisement on public safety.

Reasons

4. The proposed internally illuminated digital display advertisement would be sited on land to the north of Speke Road (A561) on the approach to the junction with Horrocks Avenue. The surrounding area is predominantly characterised by commercial uses. The site currently comprises one 48 sheet poster advertisement panel and two 96 sheet poster advertisement panels. All of the existing advertisements are externally illuminated by overhead trough lights. They are visible to drivers when travelling west along Speke Road.
5. The appeal proposal comprises the removal of the 48 sheet poster advertisement panel and one of the 96 sheet poster advertisement panels and their replacement with a 48 sheet internally illuminated digital display and associated logo box. One 96 sheet externally illuminated poster advertisement panel would remain. The digital advertisement would have light sensors to

- control and vary the brightness of the display according to conditions and a maximum luminance that would not exceed 300cd/sqm at night. It would display only static images but would be capable of an instant changeover to display new advertisements every ten seconds.
6. Speke Road is a wide dual carriageway with a 40mph speed limit. The vehicular approach from the east to the signalled controlled junction with Horrocks Avenue is over the brow of a small hill and on a slight curve with a gradual descent. The proposed digital display advertisement would be at a slightly lower level to, and approximately 90m – 100m beyond, the primary and secondary traffic signals controlling onward movement and in the sight-line of drivers travelling towards and through the junction.
 7. It is acknowledged that the existing advertisements have been there for a number of years and that the removal of two of the advertisements would reduce the number of elements drivers would have to assimilate when approaching the junction. However, the proposed digital display advertisement would be an unduly vivid and prominent feature on the sight-line of drivers travelling west. In conjunction with its changing nature (albeit static images), it would distract drivers when approaching and travelling through the junction, reduce the clarity of the traffic signals and hinder drivers' ready interpretation of them.
 8. I therefore conclude that, by virtue of its proposed location, form of illumination and changing nature, the proposed internally illuminated digital display advertisement would be harmful to public safety.
 9. In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, I have taken into account the provisions of the development plan so far as they are material. Policies HD25 and T9 of The City of Liverpool Unitary Development Plan (2002), amongst other things, seek to control advertisements in the interests of public safety and improve road safety; and emerging policy UD9 of the Liverpool Local Plan (2013-2033) Pre-submission draft (2018) (noting its stage of preparation), amongst other things, seeks to ensure advertisements are not a traffic hazard. As such, these policies are material in this case. I have concluded that the proposal would harm public safety, and therefore the proposal would conflict with these policies.
 10. It is noted that the appellant is willing to reduce the proposed level of illumination by half, to 150cd/sqm. This would reduce the brightness of the display. However, given its proposed location and changing nature, I am not persuaded that this would resolve the potential for driver distraction and confusion when travelling west through the junction and remove the harm to public safety.

Conclusion

11. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR