
Appeal Decision

Site visit made on 2 December 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/H4315/H/19/3237170

Unit 1, M6 Major, Haydock, St Helens

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Simon Spencer on behalf of Bericote Properties Ltd. against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2019/0128/ADC is dated 15 February 2019. The conditions in dispute are Nos 11 and 12 which state that:
 - 11. The illuminated signs hereby permitted shall not be illuminated between the hours of 22:00-07:00*
 - 12. Within 2 months of the first use of the illuminated signs hereby permitted, a verification report which assesses the impact of the illumination on highway safety and the amenity of residents in Springfield Park and Great Delph shall be submitted to and agreed in writing with the local planning authority. Should it be found that the illumination causes harm to highway safety or amenity, the intensity of the illumination shall be reduced to a level that has been agreed in writing with the local planning authority within 3 months.*
 - The reasons given for the conditions are:
 - 11. To ensure that the intensity of the illumination does not have a detrimental impact on amenity or highway safety.*
 - 12. To ensure that the intensity of the illumination does not have a detrimental impact on amenity or highway safety.*
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Decision

1. The appeal is allowed and the advertisement consent, Ref P/2019/0128/ADC, for the display of 2no illuminated fascia signs, 1no non-illuminated fascia sign and 1no 'halo' lit freestanding sign at Unit 1, M6 Major, Haydock, St Helens granted on 24 July 2019 by St. Helens Metropolitan Borough Council is varied by deleting condition nos. 11 and 12.

Procedural Matter

2. During the course of the Council's consideration of the advertisement consent application, the description of the proposal was amended. This is reflected in my banner heading and decision.

Main Issues

3. The main issues are the effect of the advertisements on visual amenity and highway safety.

Reasons

Visual Amenity

4. The appeal site comprises a very large warehouse/distribution building located on the edge of an extensive industrial estate on the north side of this stretch of the A580. On the south side of the road, opposite the appeal site, are residential properties. These properties have their rear gardens backing onto the road. The appeal site is set back from the road.
5. 3 of the four advertisements would be located on the building whereas the 'halo' lit freestanding advertisement would be located at the entrance to the site. None of the advertisements would exceed 300cd/m², which is secured by condition no. 9 attached to the subject consent.
6. The Council confirm that the nearby dwellings have a direct line of sight with the appeal site. Whilst I do not dispute this, the distance between the dwellings and the site is significant and intersected by the A580 and trees on the rear boundary of the dwellings, particularly those on Springfield Park and Great Delph. As a result of the significant distance of the advertisements from the nearby residential properties and the presence of the trees on their rear boundaries, the advertisements would not be readily discernible from these properties.
7. Furthermore, as there are a number of streetlights along the A580 that sit between the proposed advertisements and the dwellings, the presence of light sources during the night is a common feature for this area. The advertisements would be read behind these streetlights and, as a result of their limited luminance, would not be unduly discernible. Even when the boundary trees are not in leaf, I do not consider that the advertisements would be readily noticeable from these neighbouring dwellings at night, certainly not to the extent that it would be harmful to the living conditions of their occupants.
8. I find therefore that the removal of condition nos. 11 and 12 would not have a significantly harmful effect on the living conditions of the occupants of neighbouring residents and therefore are not reasonable or necessary in the interests of amenity.

Highway Safety

9. The advertisements would be visible from the A580, in particular at the adjacent junction. However, as the advertisements would be static and three out of the four of them would be single words, it is unlikely that they would draw the eye of a passing driver for any significant length of time, certainly not to the extent that they would not be paying due attention to the road.
10. Whilst the visibility of the advertisements would be greater at night, given their distance from the road, their limited luminance and their static appearance would not likely cause any undue distraction to drivers.
11. I note that the local highway authority raise no objection to the proposal and make no reference to any particular need to limit the hours of use of the advertisements.

12. I find therefore that the removal of condition nos. 11 and 12 would not have a significantly harmful effect on highway safety and therefore are not reasonable or necessary.

Conclusion

13. For the reasons given above, having regard to all matters raised, I conclude that the appeal is allowed and I vary the express consent by deleting conditions 11 and 12.

Alexander Walker

INSPECTOR