



Appeal Decision

Site visit made on 21 January 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2020

Appeal Ref: APP/Z4310/H/19/3236370

Liverpool One, 24 Paradise Street, Liverpool L1 8JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Morphe (Miss Grace McGovern) against the decision of Liverpool City Council.
 - The application Ref 19A/0946, dated 2 April 2019, was approved on 8 July 2019 and planning permission was granted subject to conditions.
 - The development permitted is to display fascia sign, 2 LED panels and 1 light box.
 - The conditions in dispute are Nos 4, 5 and 6 which state that: (4) The screen displays shall only show two dimensional static images, shall contain no sound, moving images, animation, video or full motion images and no messaging should spread across more than one screen image. (5) The illumination of the advertisement(s) shall not at any time be intermittent. (6) The advertisement display shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
 - The reasons given for the conditions are: (4) (5) (6) In the interests of visual amenity.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission had previously been granted for the display of a fascia sign, 2 LED panels and 1 light box. The appeal seeks permission to carry out the development without complying with conditions 4,5 and 6, the requirements of which are set out in the banner above. The main issue in this case is whether conditions 4,5 and 6 of planning application Ref 19A/0946 are reasonable and necessary in the interests of visual amenity.

Reasons

3. The appeal site is located within a busy shopping precinct dominated by commercial premises, but with some residential elements above ground floor level.
4. Based on the evidence before me, and my site visit, there are a wide range of commercial premises, with some variation to opening hours, which would be expected in a commercial area.
5. Whilst there are businesses that trade later into the evening, many of which have illuminated advertisements of various types of signage, of which both parties have brought examples to my attention, it is the nature of the signage in this case that has resulted in this appeal.

6. The Council has approved an advertisement scheme for the appeal premises, subject to conditions. The appeal has been made on the basis that the conditions are too restrictive in terms of the needs of advertisement for the business, and that other approvals given by the Council do not have the same levels of restriction in what is essentially a commercial area.
7. However, in this instance, there are residential properties across from the appeal site. If the first floor LED is used for the projection of video clips rather than a static installation with a rotating display, then I find that this potential for bright, flashing imagery would be harmful to the occupiers of the residential properties located directly across from the appeal site.
8. Whilst it is expected that residents can expect a level of amenity appropriate to a city centre, which would include a number of distractions from noise, lighting etc. in comparison with a traditional residential area, the conditions included with the approval would allow for a reasonable level of control to this aspect of the amenities. I do not doubt that the advertisements at the appeal premises would not be the sole source of evening disturbance in the area, but the advertisements in the form proposed from the first floor LED would have a detrimental impact upon the amenities of those residents opposite the site.
9. For the reasons outlined above, I conclude that the Council's original approach in imposing the conditions was justified in that the level of control would protect the amenities of those residents. I therefore find that the conditions continue to be justified in terms of being both reasonable and necessary in order to maintain that level of control and are consistent with Policies S16 and HD25 of the Liverpool Unitary Development Plan (2002), which amongst other matters, expect proposals to meet criteria in relation to method of display and illumination.

Other Matters

10. I have taken into consideration the examples submitted in the appellant's Statement of Case. With regard to the comments of the appellant in relation to these schemes, I do not have full details of those cases in front of me. Where there are what appears to be some similar development, they are located in different areas, with different development and locational characteristics to the appeal development. In any event, I have dealt with this appeal on its own merits.

Conclusion

11. For the reasons given, and taking into account all other matters raised, I conclude that this appeal should be dismissed.

Paul Cooper

INSPECTOR