



Appeal Decision

Site Visit made on 27 July 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/H4315/Z/21/3273894

Land East of Junction with Haydock Lane, East Lancashire Road, St Helens, WA11 9UY

- 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 Alight Media against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2021/0207/ADC, dated 2 March 2021, was refused by notice dated 23 April 2021.
 - The advertisement proposed is the replacement of an existing double-sided painted 12 x 3m sign with a new double-sided 6 x 3m digital LED advertising unit mounted on a pole.
-

Decision

1. The appeal is allowed and express consent is granted for the replacement of an existing double-sided painted 12 x 3m sign with a new double-sided 6 x 3m digital LED advertising unit mounted on a pole 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) During darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per square metre. During daylight, the luminance shall be controlled by sensors to reflect ambient light conditions.
 - 2) Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 - 3) No images shall be displayed that resemble road signs, traffic lights or traffic matrix signs, and there shall be no sequencing of messages or images over more than one screen image.
 - 4) The advertising display shall have a system in place to ensure that, in the event of a malfunction, the screen defaults to blank.

Procedural Matters

2. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. Having reviewed the revised document, I am satisfied that the changes to national policy do not materially affect the matters of dispute within this appeal, and do not prejudice the cases put forward by either party. I have therefore determined the appeal on the basis of the revised Framework.

Main Issue

3. The main issue is the effect of the proposed advertisement on public safety.

Reasons

4. The proposed pole mounted display would be located on the forecourt of a commercial vehicle sales premises, adjacent to the eastbound carriageway of the East Lancashire Road (A580). The site is clearly visible from the road and has a variety of signage, which includes panels around the boundary wall, signs on the building and pole mounted flags. An existing large format billboard on the site would be replaced by the proposed digital display. The V-shaped structure would have panels facing traffic travelling in both directions, but the Council's safety concerns relate specifically to the west facing sign.
5. The Planning Practice Guidance notes that all advertisements are intended to attract attention, but those at points where drivers need to take more care are more likely to affect public safety, such as at junctions, roundabouts and other places where local conditions present traffic hazards. The sign would be sited close to the junction with Haydock Lane, and slightly further away from the signalised junction with Moore Park Way. As such, the west facing sign would be visible to traffic which would have either passed through the two junctions, or joined the East Lancashire Road from one of them, shortly before.
6. The signalised junction with Moore Park Way may be fairly new, but it is not particularly complicated for drivers to negotiate. The approach to the junction is straight and well signed, so that drivers have time to anticipate it, even when they are unfamiliar with the road layout. The distance from the Moore Park Way junction to the appeal site is sufficiently far that the proposed sign would not impede or interfere with the traffic lights. On the approach to the junction, the west facing sign would be viewed in the context of the visual clutter associated with the existing commercial premises, and would not be clearly discerned by drivers until they had passed through the traffic signals.
7. The junction with Haydock Lane is closer to the appeal site, but again this is a fairly straight forward road layout. There is no right turn into or out of Haydock Lane from the A580, and traffic turning left has a separate, clearly marked lane. The proximity to the signalised Moore Park Way junction allows breaks in the traffic, so it is easy to turn onto the East Lancashire Road from Haydock Lane. Although the proposed sign would be close to the junction, it would not obscure or impair sight-lines, nor would it obstruct or confuse a driver's view.
8. The proposed sign would replace a large non-illuminated display in a similar position, but there is no suggestion that there have been problems caused by distraction as a result of the existing sign. The proposed advertisement would be positioned slightly closer to the carriageway than the existing sign, but

would still be within the existing forecourt area, and would be separated from the carriageway by the footway, verge and the slip road serving the adjacent business. The siting of the proposed display would not be significantly different from the existing situation, and so would be unlikely to be more distracting.

9. The proposed advertisement would be illuminated, unlike the sign it would replace, but it would be located within a site which is already well lit, and there is street lighting along this section of the road. Luminance levels could be controlled to minimise the potential for glare and to avoid the display appearing overly bright, in accordance with guidance from the Institute of Lighting Professionals. The proposed display would have changing static images, but the rate of change and the transition between images could be controlled to minimise the potential for distraction.
10. I conclude that, with suitable controls in place, the proposed advertisement would not cause unacceptable harm to public safety. The Council has not raised any concerns about the effect of the proposal on visual amenity and I agree that the appearance of the sign would be acceptable. As such, there would be no conflict with paragraph 136 of the National Planning Policy Framework, which notes that advertisements should be subject to control only in the interests of amenity and public safety.
11. I have taken account of Policy GEN 10 of the St Helens Unitary Development Plan 1998, which is concerned with advertisements and so is material in this case. As I have concluded that the proposal would not harm public safety or amenity, the proposal does not conflict with this policy. Policy ENV 21 is concerned with ensuring a high standard of design of new development and advertisements along major transport corridors including the A580, but the sign would not detract from visual amenity and would not conflict with this policy either.

Conditions

12. The appellant has suggested additional conditions aimed at controlling the brightness of the proposed sign; the speed, nature and transition between changing images, and the requirement for a mechanism to ensure that the screen defaults to a plain, black screen in the event of a malfunction. I agree that these controls are necessary in the interests of amenity and public safety, and I have imposed the suggested conditions, with minor wording changes to make them more concise.

Conclusion

13. For the reasons given, the appeal is allowed subject to the conditions set out above.

R Morgan

INSPECTOR