
Appeal Decision

Site visit made on 30 November 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/Z4310/Z/21/3279112

Land adjacent to 54 Rice Lane, Walton, Liverpool L9 1DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Page, Wildstone, against the decision of Liverpool City Council.
 - The application Ref 20A/2692, dated 15 October 2020, was refused by notice dated 2 June 2021.
 - The development proposed is an update of existing 48 sheet illuminated advertising display to a 48-sheet digital advertising display.
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Decision

1. The appeal is allowed, and express consent is granted for the update of existing 48 sheet illuminated advertising display to a 48-sheet digital advertising display 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. The advertisement hereby approved shall operate at an illumination level no greater than 600 cd/sqm during daytime hours and 300cd/sqm during twilight and the hours of darkness.
 2. The screen display shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
 3. The advertisement display shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
 4. The illumination of the advertisement shall not at any time be intermittent.

Procedural Matter

2. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, my consideration of this appeal is confined to the issues of visual amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Main Issues

3. The Council raise no concerns regarding public safety. I have no reason to disagree. Therefore, the main issue in this case is the effect of the proposal on visual amenity.

Reasons

4. The appeal proposes the replacement of an existing free standing 48 sheet illuminated advertisement display with a 48-sheet digital advertising display with the same size display area. Advertisements would remain illuminated, static and two dimensional whilst incorporating an automated 10 second sequential update.
5. The site is located to the side gable of No.54 Rice Lane, Walton at the junction of Carnarvon Road. The advertisement would be seen when heading north on Rice Lane. The Council Planning Officers report refers to two further advertisement displays located on the opposite side of the junction. At the time of my visit, work was taking place on this corner plot and the advertisements had been removed. The site is in a mixed area with commercial uses along Rice Lane and residential uses on Carnarvon Road.
6. Approaching the site from the south, the advertisement would be seen in the context of commercial premises including a fish and chip shop, betting office and a heating and plumbing company, beyond which are a public house and further commercial and retail premises. It would therefore be seen in the context of this commercial area. Whilst I accept that there are residential properties on Rice Lane and also on Carnarvon Street, the advertisement is positioned set back from the highway, and sited at a slight angle towards the road so that it is not directly viewed by these properties. Given the above, I consider that the proposal would not form an obtrusive feature in this location.
7. I note that the illumination of the proposed display would be controlled by internal sensors, software and time clocks. This enables the display to assess conditions and adjust the brightness of images in real time.
8. I therefore conclude that the proposal would not cause harm to visual amenity. It would comply with Policy HD25 of the Liverpool Unitary Development Plan and Policy UD9 of the Liverpool Local Plan. These policies seek to ensure that advertisements are in keeping with their surroundings and do not adversely affect visual amenity or public safety.

Conditions

9. I have considered the conditions suggested by the Council and the appellant in light of the guidance in the Framework. In addition to the five standard conditions set out in the Regulations, I attach a further condition to limit the illuminance to no greater than 600 candela/sqm during the daytime and 300 candela/sqm in twilight hours and darkness to safeguard the visual amenity of the area.
10. I consider a condition is necessary to maintain a 10 second minimum display time for an image, thereby safeguarding visual amenity. For the same reason and in the interests of public safety, I impose conditions to prevent the use of

special effects such as animation, flashing images or scrolling and to ensure that the illumination is not intermittent.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Helen Hockenhull

INSPECTOR