

Appeal Decision

Site visit made on 20 June 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/W4325/Z/22/3297414

Land at Derwent Estates, Junction One Retail Park, Bidston Moss, Wallasey CH44 2HE

- 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 Clear Channel against the decision of Wirral Council.
 - The application Ref ADV/22/00277, dated 15 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is a single illuminated 48-sheet digital poster display.
-

Decision

1. The appeal is allowed and express consent for a single illuminated 48-sheet digital poster display as applied for is granted. 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) Prior to the first use of the approved LED display, the existing totem sign shall be permanently removed.
 - 2) The advertisement hereby permitted shall be carried out in accordance with the following approved plans: T4678 A4 051, T4678 A4 060 and D48VM-FS.
 - 3) The intensity of the luminance of the advertisement hereby approved shall be no greater than 2500 cd/sqm during daylight hours and shall be no greater than 300 cd/sqm during evening/night-time hours. The advertisement shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly. The display shall be switched off between the hours of 2300 and 0500. Images displayed shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) and shall not at any time be intermittent. The screen display shall only show two dimensional static images and shall contain no moving images, animation, video or full motion images.

Main Issue

2. The main issue is the effect of the proposal on public safety.
-

Reasons

3. The proposal would result in a single, 48-sheet equivalent, LED display which would include a green wall within its base. It would replace the existing totem sign. The Regulations, the National Planning Policy Framework and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety. The Council are satisfied that the proposal would not result in harm to amenity. Their concern relates to highway safety in relation to drivers on the northbound approach to the roundabout; and drivers leaving the retail park.
4. The approach to the roundabout is along a two lane carriageway that is separated from the southbound carriageway by a raised central reservation. The speed limit is 40 mph. There is a large sign advising of destinations beyond the roundabout on the near-side of the road, whilst the proposed advert would be on the opposite side of the dual carriageway. There would be a large separation distance between these signs. I am not satisfied that those drivers that need to use the road sign to ascertain which lane they should use would be distracted by this proposed sign. Similarly, given that this is a straight road with good forward visibility at this point, I do not consider that drivers would be significantly distracted if needing to change lanes.
5. When leaving the retail park, care is required when joining the southbound carriageway as vehicle speeds are significant despite the limited distance from the roundabout. This is however considerably helped by the single direction of the carriageway. Drivers would be able to view the advert when looking to join the dual carriageway but the separation and height difference between the position of on-coming vehicles and the advert would be significant. Views back to the sign would also be constrained due to the angle of departure. Drivers do have to pay particular attention to on-coming vehicles at this point but it is not a junction that presents significant challenges to drivers and it does not represent a particular traffic hazard. I consider it very unlikely that drivers would be distracted by the advert at this point given these circumstances.
6. Paragraph: 068 Reference ID: 18b-068-20140306 of Planning Practice Guidance sets out the main types of advertisement which may cause danger to road users. The proposal would not obstruct or impair sightlines, confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. The appellant has suggested conditions that would limit the luminance of the sign and control the nature and timing of images to prevent moving images and message sequencing. These conditions would address the particular issues raised in the guidance with regard to LED displays.
7. The guidance advises that advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings or other places where local conditions present traffic hazards. I am not satisfied that this is a junction that presents particular traffic hazards. The analysis of the accident data appears to support this view. The proposal would replace the existing totem sign and whilst a changing LED display may attract more attention and for longer, I am not satisfied that it would distract drivers at the times when they need the highest levels of concentration.

8. The Council refer to high number of accidents on the approach to the roundabout and their intention to install vehicle activated signage on the approach. I do not have details of this signage but given the position of the advert, beyond the opposite carriageway, I see no reason why there would be a conflict. The accident data submitted by the appellant suggests that there has only been two accidents in the immediate vicinity in the last 5 years, with a number of other accidents beyond this area nearer to the roundabout. I have not been provided with any alternative evidence in this regard.
9. In conclusion, the proposal would not materially add to public safety concerns. I therefore allow the appeal.
10. The Regulations impose five standard conditions. I have also included the additional conditions suggested by the appellant as they relate specifically to LED displays and would be necessary to ensure that safety would be maintained. I have also required that the existing totem display be removed prior to the first use of the proposed LED advertisement in the interests of visual amenity.

Peter Eggleton

INSPECTOR