
Appeal Decision

Site visit made on 31 May 2022 by N Unwin BSc (Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/Z4310/Z/22/3294119

Land to the south of 46 Speke Road, Garston, Liverpool L19 2PA

- 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 Wildstone Estates Limited against the decision of Liverpool City Council.
 - The application ref. 21A/2103, dated 21 June 2021, was refused by notice dated 13 January 2022.
 - The advertisement proposed is described as 'Replacement of 48 sheet advert with digital format'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Since the determination of application 21A/2103, the Liverpool Local Plan 2013 – 2033 (2022) (LLP) has been adopted and therefore the Saved Policies of the Unitary Development Plan have been superseded. The Council has cited conflict with Policy UD9 of the LLP. Whilst I have taken this policy into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my consideration of this appeal the Council's policies are not, in themselves, decisive.

Main Issue

4. The main issue is the effect of the appeal proposal on public safety.

Reasons for the Recommendation

5. The Planning Practice Guidance (the guidance) advises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The guidance goes on to identify that adverts which would reduce the clarity or effectiveness of a traffic signal and those utilising light emitting technology

which are subject to frequent changes of the display, are among the most likely to cause danger to road users.

6. The area surrounding the appeal site is primarily characterised by commercial uses adjacent to Speke Road (A561). This section of Speke Road is busy in nature with a variety of signage adjacent to the highway. Whilst I recognise that my site visit represents a snapshot in time, my observations broadly reflect those described by the Council. The appeal site is approximately 90 metres to the west of the junction between Speke Road and Horrocks Avenue which is signal controlled.
7. The appeal site itself adjoins the north of Speke Road. At the time of my visit, the appeal site comprised two 48 sheet poster advertisement panels visible to drivers when traveling along Speke Road. Although there were supports above these panels, no overhead external illumination was present.
8. The proposal would result in the removal of the two existing advertising panels at the site and replacement with a single 48 sheet internally illuminated digital display, raised approximately 1.8 metres off the ground. The proposal would be located in a similar position to the existing poster advertisement furthest from the junction between Speke Road and Horrocks Avenue. The proposed advertisement would have light sensors to control and vary the brightness of the display and a maximum luminance of 150cd/sqm at night. It would display only static images but would be capable of an instant changeover to display new advertisements every ten seconds.
9. The proposed advertisement would be located within the direct sight line of drivers approaching the signal controlled junction between Speke Road and Horrocks Avenue from the east. There would additionally be some interaction between the position of the proposed digital display and the location of the secondary traffic signal in respect of approaching drivers from the east as confirmed by the Highway Safety Report (HSR) submitted by the appellant. This, combined with the internal illumination and changing nature of the proposal, would result in a prominent and vivid feature within the sight line of drivers and reduce the clarity of the secondary traffic signal.
10. I acknowledge the comments within the HSR regarding the relatively short period of interaction between the secondary traffic signal and the proposed digital display experienced by drivers approaching from the east. Nevertheless, outside of the points of direct interaction the proposed advertisement would remain within the sight line of motorists causing a distraction and reducing the lucidity of the traffic signals, to the detriment of highway and public safety.
11. The backing boards to the traffic signals will go some way to enhancing their clarity to motorists. Nevertheless, I do not consider this would be sufficient to overcome the potential for conflict that would arise from the aforementioned reduction in lucidity of the traffic signal caused by the proposal. While there may be sufficient time and space for a vehicle that overshoots the signal to stop before encountering other traffic, it would not be acceptable to allow a situation where such an incident might occur.
12. I note the appellant's submission contains proposed conditions to limit luminance to 150cd/sqm at night, have a minimum display time of 10 seconds for advertisements, require instant changes of advertisements, prohibit moving images, animation, intermittent or full motion video images, audio, directional

symbols or any images that resemble road signs or traffic signals, and the use of a feature that will turn the display off in the event of malfunction or error. Nonetheless, I do not consider the imposition of such conditions to mitigate the impact of the proposal on public safety to an acceptable level.

13. Reduction in the overall number of advertisements would result in some benefit by reducing the scale of images drivers need to assimilate. However, most of the signage proposed to be removed by the appellant had already been removed by the time of my visit, reducing the benefit. I therefore give this limited weight, and it would not offset harm resulting from a digital advertisement in this location.
14. I therefore conclude that, by virtue of its proposed location, form of illumination and changing nature, the proposed internally illuminated digital display advertisement would be harmful to public safety. I have taken into account Policy UD9 of the LLP which seeks to ensure advertisements are not a traffic hazard and so is material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with this policy.

Other Matters

15. The appellant suggests that similar advertisements at signal control junctions within the area set a precedent. During my site visit I observed other digital advertisements at signal control junctions, most notably to the east of the junction between Speke Road and Horrocks Avenue. However, that advertisement is seen between the traffic signals at higher level. The examples raised by the appellant are not directly comparable to the proposal in terms of their relationship with traffic signals, and do not therefore justify the harm that would result from this proposal.
16. The proposal would result in the removal of the existing advertisements at the site resulting in a net reduction in advertising, benefiting the amenity of the area. I have additionally taken into account the environmental, social, and economic benefits of the proposal raised by the appellant. However, these are not matters of public safety or amenity. The combination of these factors does not outweigh the overall harm from the proposal to public safety.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR