
Appeal Decision

Site visit made on 15 December 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2022

Appeal Ref: APP/Z4310/Z/22/3306436

Land at Derwent Estates, Liverpool Shopping Park, Edge Lane, Liverpool L13 4DL

- 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 Liverpool City Council.
 - The application Ref 22A/0684, dated 9 March 2022, was refused by notice dated 4 August 2022.
 - The advertisement proposed is a single illuminated 48-sheet digital poster display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are effect of the proposed advert on: public safety; and the visual amenity of the area.

Reasons

Public safety

3. The appeal site lies at the busy traffic light-controlled junction of Edge Lane, Rathbone Road and St Oswalds Street. Edge Lane is a primary trunk road linking the city centre and the M62 motorway. Liverpool Shopping Park is a designated out-of-centre retail location which extends to the east of Rathbone Road and on the southern side of Edge Lane. It comprises of various commercial uses. Residential properties are on the northern side of Edge Lane and the north-western side of the junction.
4. The junction is highly trafficked throughout the day owing to its location and the roads that feed into the junction from nearby areas. The roads are used by various vehicles and footways support pedestrian journeys. There are pedestrian crossing points on each arm of the junction.
5. St Oswalds Street is a dual carriageway with a straight alignment on its approach to the junction with Edge Lane. Vehicle speeds vary on approach to the junction due to either the traffic signals or the flow of vehicles. Of the three lanes on the approach, two continue straight across the junction onto Rathbone Road, with one of these allowing vehicles to turn left onto Edge Lane towards the M62 motorway, and one lane facilitating a right turn onto Edge Lane towards the city centre.
6. Due to the proposal's siting, the advert would sit behind at least three signal heads which control whether vehicles can turn left onto Edge Lane or continue straight over the junction to Rathbone Road. There are further signal heads within the line of sight, but these are side on and controlling traffic on the

westbound arm of Edge Lane. The advert may be on the far side of the junction, but the signals and the digital display would be viewed in conjunction with each other, with the digital display providing the backdrop. Even if static images are shown, and only changed every 10 seconds and the luminance levels are controlled, the advert would compete with the traffic signals. This could mean that drivers approaching the junction from St Oswalds Street may not notice the signals when they are viewed against the proposed advert. Drivers' ability to respond to the traffic lights changing or other vehicles could be affected. This raises a serious potential safety issue not just for vehicles, but also pedestrians who may be crossing the road believing it is safe to do so.

7. I saw a similar digital advert on Edge Lane around the corner from the junction. I do not know how this came to be, but it's siting alone means that there is no direct conflict with any signals around the junction. It does not, therefore, alter my conclusion on this issue that the proposed advert would be detrimental to public safety. Conflict would arise with Policy UD9 of the Liverpool Local Plan 2013 – 2033 (Local Plan), which is material in this case, as it seeks advertisements that do not constitute a traffic hazard.

Visual amenity

8. There are various forms of advertisements associated with commercial premises in the area, principally on Edge Lane. They range in size, type, siting, style and illumination. It is a characteristic linked with premises within Liverpool Shopping Park and those on Edge Lane near to the site.
9. The advert would be of a scale that would be noticeable in the area around the junction, but it would be chiefly viewed against the backdrop of a retail premise with a greater scale and massing. Or in the alternative, it would be viewed against a surface car park and Edge Lane beyond. I recognise that the advert would be elevated above the road and there is a gradual change in levels across the junction from east to west, but I do not consider that it would lead to unnecessary visual clutter. Nor would it interfere with the low-level landscaping situated around the corner of Edge Lane and Rathbone Road.
10. The advert would not also, subject to the imposition of planning conditions to control the luminance and the nature and timing of the display, detract from the amenity of the area given that it is well lit already.
11. On this issue, I conclude that the proposed advert would not harm the visual amenity of the area. Having regard to Local Plan Policy UD9, which is material in this case, the proposed advert would not become part of a critical mass of similar advertisements that lead to clutter; would be of a size, scale and design appropriate for the local area so that it would contribute to it.

Conclusion

12. Although I have not found the proposed advert to be harmful in respect of visual amenity, this does not alter or outweigh my conclusion that the proposed advert would be detrimental to the interests of public safety. Therefore, the appeal is dismissed.

Andrew McGlone

INSPECTOR