



Appeal Decision

Site visit made on 5 September 2023

by M J Francis BA (Hons) MA MSc MCIffA

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/H4315/Z/23/3319980

Windle Labour Club, 15 Dentons Green Lane, St Helens WA10 2QF

- 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 Ltd against the decision of St Helens Metropolitan Borough Council.
- The application Ref P/2022/0835/ADC, dated 29 November 2022, was refused by notice dated 12 February 2023.
- The advertisement proposed is freestanding digital 48 sheet (6m x 3m) advertisement.

Decision

1. The appeal is allowed and express consent is granted for proposed freestanding digital 48 sheet (6m x 3m) advertisement 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 conditions in the attached Schedule.

Main Issues

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

Reasons

Amenity

3. The site is within a small car park, to one side of the Windle Labour Club building, adjacent to the A570. It contains some recycling facilities and picnic benches. The area is a mixture of commercial properties, particularly car related, with a self-storage site opposite, and residential dwellings in the vicinity including along Dentons Green Lane.
4. Although the advertisement would be large, it would not be out of scale with the substantial, newly rendered, gable elevation of No 35 Dentons Green Lane, which it would stand in front of. This is a sizeable, three-storey, double-fronted, former dwelling. Based on the size and position of the advertisement, it would not appear incongruous in this location.
5. The display would be a slimline construction, with a high-quality design. It would be free-standing on a metal totem support, and although located on a prominent gateway corridor, it would be within a local commercial centre. Moreover, the gable is reputed to have had, until 2018, a poster advertisement on this site. Whilst the illuminated digital image would enable multiple advertisements to be displayed, it would be viewed within the context of the

adjoining businesses and so would not detract from the visual amenity of the area.

6. The site is close to a major crossroads with large road signs. There is also extensive signage on the businesses in the immediate area. Whilst there would be longer views of the advertisement on the approach to the site, particularly when images change, this would be seen against the backdrop of a prominent elevation and within the setting of several commercial properties.
7. Overhanging the car park on the other side of the labour club there is a digital advert attached to the side elevation of a car sales building. The Council consider that cumulatively, the proposal and this advert, would have a negative effect and create visual clutter. However, the advertisements would face in different directions so that occupiers of vehicles would not view the two together, and in general, neither would pedestrians.
8. The advertisements are also at different heights. Whilst the proposal is higher than the labour club building, the existing digital advert is lower. Therefore, the existing advertisement would not be apparent until close to it, either when driving or walking along the adjacent pavement. As the proposal is within an existing commercial area, it would not appear obtrusive in this location and out of character with the surrounding area.
9. Leading up to the crossroads and further along Denton Green Road, there are high metal lamp posts. The area is, therefore, already well lit at night. Consequently, introducing an illuminated image would not add significantly to the existing light levels within the area. As an urban location, the sign would not dominate the site and would not harm the visual amenity of the area.
10. I have taken into account Policies LPD06 and LPD08 of the St Helens Borough Local Plan up to 2037 (LP), July 2022, which seeks development along prominent gateway corridors to be appropriate to its scale and nature, and requires advertisements to have an acceptable impact upon amenity or public safety. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Public safety

11. The road adjoining the proposal, the A570, is a single carriageway and is a straight road. There is a single yellow line in front of the site, with on the opposite side of the road, double yellow lines for a considerable length along Dentons Green Lane. Where residential housing begins, vehicles are able to park along one side of the road. Therefore, whilst traffic is frequent, it is within an urban setting, and it moves at a steady pace to cope with cars coming into or out of premises and stopping and parking along the highway.
12. The location of the advertisement would mean that it would only be seen by drivers going in a north-westerly direction, away from the centre of the town. The advert would be internally illuminated with static images shown at a frequency of once every 10 seconds. The illuminance would be at industry standards¹ with the light changing to lower levels at night. It would therefore not cause glare which would distract road users. Furthermore, the highway officer does not consider that the proposal would cause harm to public safety.

¹ Institute of Lighting Professionals' (ILP) Technical Note 5 'The Brightness of Illuminated Advertisements including digital displays' (PLG05/23)

13. I have also taken into account LP Policy LPD08 which requires that the location, siting, illumination, design and scale of any proposed advertisement does not compromise the safety of pedestrians, drivers of other users of the public highway. As I have concluded that the proposal would not harm public safety, the proposal does not conflict with this policy.

Conditions

14. In addition to the standard conditions, the appellant has suggested further conditions as set out in the ILP Technical Note 5 with reference to digital consents. I have looked at those conditions and consider that four of those are necessary. Conditions 1, 3 and 4, which control the content and movement within the display are needed in the interest of highway safety. Condition 2 which relates to the luminance levels at night is required to ensure that the sign is not overly bright for both users of the highway and the amenity of adjoining properties.

Conclusion

15. For the reasons given above, the appeal is allowed.

M J Francis

INSPECTOR

Schedule of conditions

- 1) There shall be no moving images, animation, video or full motion images displayed.
- 2) In the hours of darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than 200 candela/m².
- 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages/advertisements being displayed.
- 4) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

End of conditions