



Appeal Decision

Site visit made on 5 October 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/Z4310/Z/23/3325677

Erskine Street Industrial Estate, Erskine Street/Trafalgar Way, Liverpool L6 1AP

- 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 Elonex against the decision of Liverpool City Council.
 - The application Ref 23A/1152, dated 9 May 2023, was refused by notice dated 30 June 2023.
 - The advertisement proposed is to new 96 sheet size illuminated digital poster panel incorporating a Liver birds sculpture surround for the display of statis poster advertisements.
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Decision

1. The appeal is allowed and express consent is granted for the display of new 96 sheet size illuminated digital poster panel incorporating a Liver birds sculpture surround for the display of statis poster advertisements 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 intensity of the luminance of the advertisement hereby approved shall be no greater than 600 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm between sunset and sunrise.
 - 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) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).
 - 4) The illumination of the advertisements shall not at any time be intermittent.

Procedural Matters

2. Under the above Regulations, powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and other relevant factors. The National Planning Policy Framework and Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

3. Subject to the imposition of conditions concerning the display, the Council does not raise concern with the proposal in terms of public safety. The main issue in this case is therefore the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The appeal site comprises a mounded area of grass verge located at the southern end of the Erskine Industrial Estate. It is located on a very busy arterial road route, prominent travelling from the south as Low Hill (A580) filters left to merge with Erskine Street eastbound toward Islington. I observed there to be various fascia signage associated with the Erskine Industrial Estate, both internally facing within the estate and on the flank and side elevations of units facing the highway.
5. The proposed advertisement is a 96-sheet digital panel display which would be mounted (at either end) on a sculpture representation of the Liver birds. The advertisement itself would have a height of 5.1m and a width of 12.1m orientated toward the one-way northbound traffic as it enters Erskine Street. It would be located parallel to the fence between the flank gable of two low profile industrial/trade units on the Erskine Industrial Estate, which sit at a lower ground level than the appeal site. The overall height of the proposed advertisement, and this difference in ground level, means that it would sit above the ridge of the closest units. Combined with its significant width, it is accepted that the advertisement would appear particularly prominent in a location that could be considered a gateway to the City Centre.
6. However, the appeal site does not fall within any designated heritage area and its surroundings are not characterised by the presence of any important buildings or features of scenic, historic, architectural, cultural or similar interest. Moreover, the advertisement would be viewed from a main highway against the backdrop of commercial and industrial buildings, which gives this locality a character that the PPG identifies as likely to be a suitable location for large poster-hoardings. Further, it is not disputed between the parties that a poster panel of a similar height and width to the advertisement now proposed, including the Liver birds sculpture representations, was displayed on the appeal site since 2008, and has only recently been removed. There is therefore a historical association with advertising in this location. I also observed that closer to the City Centre, to the east, there is a double-sided media display on the grassed reservation between Erskine Street and Brunswick Road and a large digital advertisement on the corner of Erskine Street and Moss Street.
7. I note that the Erskine Industrial Estate is reasonably well maintained and in a tidy condition but I do not find the units to be particularly well screened or softened by the grass verge. Rather than eroding a natural buffer, the proposed advertisement would screen sections of the car park and servicing areas of the Erskine Industrial Estate and would add some visual interest. Despite its size and prominence, I do not find the advertisement would result in an incongruous or overly dominant feature in the context of the appeal site or the wider streetscene.

8. Consequently, I conclude that the proposed advertisement would not cause material harm to visual amenity. In its reasons for refusal, the Council referred to Policies UD1 and UD9 of the Liverpool Local Plan 2013-2033 (2022). As these seek the highest standards of advertisements that are appropriate in form, scale and proportions, I have taken them into account as material considerations. However in my determination of this appeal the Council's policies are not, in themselves, decisive.

Conditions

9. Both parties suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. It is necessary to control the luminance of the advertisement, moving images and the frequency which the displays change to avoid glare, dazzle or distraction to passing motorists.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations

R Jones

INSPECTOR