



Appeal Decision

Site visit made on 4 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/23/3325359

357 Westminster Road, Liverpool L4 3TF

- 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 UK against the decision of Liverpool City Council.
 - The application Ref 23A/1009, dated 17 April 2023, was refused by notice dated 29 June 2023.
 - The advertisement proposed is to display a 48 sheet illuminated digital poster display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 48 sheet illuminated digital poster display 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 2500 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm between sunset and sunrise. 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.
 - 2) 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).
 - 3) Advertisements shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
 - 4) The advertisement shall be switched off between the hours of 23.00hrs and 06.00hrs.

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 reiterate this approach.

Main Issue

3. 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 relates to the flank gable of 357 Westminster Road (No.357) a three-storey building at the southern end of Westminster Road, on its junction with Rosalind Way. Westminster Road is a busy north-south route between the A5058 and A5038 and at its southern end comprises a mixture of commercial and residential uses. I observed advertisements on the facades of commercial premises on Westminster Road and a large poster advertisement to the east of Westminster Road, adjacent an area of open car sales and the railway line.
5. The supporting text to Policy UD9 of the Liverpool Local Plan 2013-2033 (2022) (LP) explains that advertisements above ground floor level on buildings, or those sited predominantly in residential areas, would normally be considered inappropriate. However, it is not disputed between the parties that until 2021 an illuminated (trough-lit) 48-sheet paper and paste advertisement was displayed in this location, which benefitted from deemed consent. As such, it is a location with a history of advertising. The proposed advertisement would be a 'D-poster' display in a pressed metal and reinforced plastic frame, 3.2m in height and 6.2m wide. Although it would be positioned at first floor level, close to its principal elevation to Westminster Road, the proposed advertisement would nonetheless appear proportionate in scale to the three storey flank gable of No.357. It would also not be dissimilar in size or positioning to the previous paper and paste advertisement.
6. The proposal would display multiple static advertisements on rotation, at a frequency of one every ten seconds and would be illuminated. I recognise therefore that it would be very visible travelling north-south on Westminster Road, particularly because the building line of No.357 is set slightly forward of the terrace of properties on the opposite side of Rosalind Way. It would, however, be viewed in the context of the existing commercial frontages on Westminster Road (and associated advertisements) and the large paper and paste advertisement adjacent the railway. It would not therefore appear particularly obtrusive or cause harm to the commercial appearance of the streetscene.
7. The flank of No.357 is set back from the corner of Rosalind Way behind an area of paving and on the opposite corner, also set back, is No.365 Westminster Road (No.365), the end of a short terrace of three-storey properties fronting Westminster Road. No.365 appears to be in residential use and on the flank elevation facing the appeal site, albeit at a distance of some 28m, are a number of windows. On the opposite side of Westminster Road is a terrace of five residential properties (Nos. 348 to 356 Westminster Road) orientated at right angles to the flank of No.357.
8. The advertisement would be illuminated to levels recommended in the Institute of Lighting Professionals, Professional Lighting Guide 05/23 (the ILP Guide), so that during the day the brightness level would be regulated by way of an ambient sensor and during hours of darkness would be illuminated to a maximum level. Further, the display would show only static images, at a

controlled frequency, without fading, swiping or merging of images, and the appellant has proposed a night-time curfew, such that the advertisement would be switched off between 23.00hrs and 06.00hrs. Whilst the proposed advertisement would be visible from those windows on the flank of No.365, and its presence would inevitably be heightened during hours of darkness, these controls, and the significant separation distance, means that the advertisement would not harm the amenity of residents of that property. Nor would there be any harm to the amenity of residents of Nos.348 to 356 Westminster Road whose outlook would not be directly toward the proposed advertisement.

9. I therefore conclude that the proposed advertisement would not cause harm to visual amenity. In its reasons for refusal, the Council referred to LP Policies H7, UD1 and UD9. As these seek the highest standard of advertisements that are appropriate for the size, scale and architectural detailing of the building and do not detract from the character or amenity of the area, they are material, but not determinative, in this case. However, the proposals would accord with these policies.

Conditions

10. In addition to the five standard conditions, I have imposed conditions, as proposed by the appellant, in respect of the level of illuminance, frequency of display changing and the nature of images, and a night-time curfew. In respect of the level of luminance, the appellant has suggested a maximum 150cd/sqm between sunset and sunrise which is below the 300cd/sqm recommended in the ILP Guide. Given the advertisement would be switched off between the hours of 23.00hrs and 06.00hrs, and there are already a number of streetlights in the vicinity of the appeal site, I find this lower level unnecessary. The Council have also suggested the higher maximum of 300cd/sqm and the condition imposed accordingly reflects this.

Conclusion

11. 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