



Appeal Decision

Site visit made on 26 April 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/M4320/Z/24/3337440

Land at the junction of Derby Road and Strand Road, Bootle, Liverpool L20 8EE

- 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 JCDecaux Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2023/01407, dated 9 August 2023, was refused by notice dated 12 December 2023.
 - The advertisement proposed is a single leg, free standing advertising structure featuring one internally illuminated sequential display screen.
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Decision

1. The appeal is allowed, and express consent is granted for a freestanding internally illuminated 48 sheet digital LED advertisement display sign to replace the existing sign on land at the junction of Derby Road and Strand Road, Bootle, Liverpool, L20 8EE, in accordance with application ref: DC/2023/01407, dated 9 August 2023, and subject to the five standard conditions set out in the Regulations and also to the additional conditions included in the attached schedule.

Procedural Matters

2. The appellant describes the proposal as for *'a single leg, free standing advertising structure featuring one internally illuminated sequential display screen'*, whereas the local planning authority (LPA) describes it as *'a free standing internally illuminated 48 sheet digital LED advertisement display sign to replace the existing sign'*. I have considered the appeal using the latter description as it provides additional precision.
3. The LPA has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the main issue in this appeal, and it was therefore not necessary

to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

The Main Issue

5. The LPA makes no objection to the proposal upon grounds of visual amenity, and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement upon highway safety.

Reasons

6. The proposed replacement advertisement display would be located at a heavily traffic controlled junction at Derby Road with Strand Road, and where there are currently two similar, but separately located advertisement displays, one facing south along Derby Road and the other facing north. The south facing display has a digital form whereas the north facing display, which is the subject of the appeal, has a back-lit mechanical sequence display.
7. The appeal proposal is to mirror the technology and display characteristics of the south facing advertisement. In this regard, the support structure and the size of the display panel would not change for the existing advertisement.
8. The south-bound carriageway consists of five lanes leading to the traffic-light controlled junction, with three lanes continuing straight forward beyond the lights and with the other lanes providing turning space through the junction.
9. The main parties agree that the changes to displayed images should not be so frequent as to engage the attention of drivers so as to cause a distraction, and that changes to displayed images should be no less than every 10 seconds. There is also agreement that such images should be static, with no sequencing for a product or attraction which can tell a story and where drivers might be tempted to wait for, and look at, the next story display and which again would lead to a reduction in highway safety at the junction. I have no reason to disagree.
10. The point of contention between the main parties is the level of luminosity of the proposed display and whether it would be so great as to unacceptably compete with and confuse drivers with regard to the traffic lights and the turning signals of other drivers.
11. The appellant has proposed levels of luminosity some 30% below the recommended night-time levels of the Institute of Lighting Professionals (ILP), though which recognises that every case must be determined upon its merits.
12. On my site visit, I was able to see that, while the junction is heavily trafficked, it is not an unduly complex one and is well lit. Moreover, the proposed display would be mainly directly in front of the drivers' views such that those travelling directly forward would not have to turn away from the road to look at the advertisements shown on the display.
13. Furthermore, I have no information before me as to any luminosity limits upon the existing display to be replaced or indeed, on any such limits felt necessary

to be imposed by the LPA upon the other existing signage display at the junction.

14. When taking into account the above matters, I have no reason to believe that the reduced luminosity levels from those recommended by the ILP would cause unacceptable harm to highway safety. Furthermore, there is no evidence that it would be any more harmful than current luminosity levels.

15. Therefore, I conclude that the proposal would accord with policy EQ11 of the Sefton Local Plan (2017) and with paragraph 141 of the Framework in so far as they seek to create places that are safe.

Conditions

16. The consent is for ten 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. I have not been provided with any reason why the application for a ten year period would be unacceptable.

17. I have imposed a condition relating to the approved plans in the interests of certainty.

18. I have imposed conditions relating to the frequency of changes to the displayed images and to their content and luminosity in the interests of highway safety.

Conclusion

19. For the above reasons, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR

Schedule of conditions

1. The consent is for ten 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.
2. The development hereby permitted shall be carried out in accordance with the following plans: A02279, part 1 dated August 2023 (proposed block plan) and A02279, part 2 dated August 2023 (panel specification and screen specification)
3. The internally illuminated advertisement hereby approved shall not have any intermittent light source, or display any moving or apparently moving images, animation or video.
4. The internally illuminated advertisement hereby approved shall not change more frequently than once every 10 seconds, the sequential change between advertisement displays shall take place over a period of no greater than 0.1 second and the display shall include a mechanism to freeze the image in the event of a malfunction.
5. The internally illuminated advertisement hereby approved shall not display images or information that require close study such as email addresses or telephone numbers.
6. The internally illuminated advertisement hereby approved shall not display images or information that resemble official road traffic signs, traffic lights or traffic matrix signs.
7. The intensity of the illumination of the internally illuminated 48 sheet digital LED advertisement display permitted by this consent shall be no greater than 800 candela per square metre during daylight hours and 225 candela per square metre during twilight and night hours, as defined by official lighting up times.