
Appeal Decision

Site visit made on 5 April 2016

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2016

Appeal Ref: APP/Z4310/Z/16/3143847

Land at corner of Moss Street/Erskine Street, Liverpool, L6 1HF

- 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 Mr Matt Swindles against the decision of Liverpool City Council.
 - The application Ref 15A/2668, dated 15 October 2015, was refused by notice dated 10 December 2015.
 - The advertisement proposed is replacement of 48-sheet LED hoarding with 96-sheet LED hoarding.
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Decision

1. The appeal is allowed and consent is granted for replacement of 48-sheet LED hoarding with 96-sheet LED hoarding 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 internally-illuminated advertisement panel shall not exceed a luminosity of 300 cd/m² between dusk and dawn, as defined by official lighting up times, and 600 cd/m² outside of these times, in accordance with the Institute of Lighting Engineers (ILE) Technical Note 5 "The Brightness of Illuminated Advertisement." The luminance level shall be adjusted should there be evidence that the brightness of the screen is causing demonstrable harm to highway safety and that the City Council as the local Highway Authority has the authority over subsequent owners or operators to require the brightness levels to be adjusted to reduce any distractions to motorists and that the City Council will retain this right to intervene in perpetuity.
 - 2) The internally-illuminated advertisement display shall only display two dimensional static images, not containing any moving (or apparently moving) images, text or emblems and shall not depict road signs or traffic signals. Furthermore, any sequential advertisements shall not change advertisements more frequently than once every 10 seconds and shall change in a smooth gradual process of not more than 1 second and not less than 0.5 of a second, unless otherwise agreed in writing by the Local Planning Authority.
 - 3) The illumination of the advertisement shall not at any time be intermittent.

Main Issue

2. The main issue is the visual impact of the proposed advertisements at the site and within the surrounding area.
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Reasons

3. The appeal site is a vacant area of land at the junction of Moss Street with Erskine Street. There is an existing 48-sheet LED hoarding on the site which was granted consent by the Council in 2014. A subsequent appeal¹ against a condition restricting the display of this advert to a temporary five year period was allowed and the disputed condition was deleted. Consent has also previously been granted by the Council for a 96 sheet freestanding illuminated advertisement panel at the appeal site.
4. The proposed advert would be a 96 sheet LED hoarding that would display sequential poster images or short video sequences. The existing advert on the appeal site would be removed as part of the scheme.
5. There is a mix of residential and commercial development surrounding the site. It is next to a busy highway junction and close to a main transport route into Liverpool City Centre. Several major highway routes converge close to the appeal site and the proposed advert would be angled to face towards the busy road junction. The character of the area is therefore defined by that of a major highway junction within a busy commercial area, located close to the city centre.
6. I accept that the proposed advert would be in a prominent position in the streetscene, particularly when travelling into and out of the city centre along this route and that the Council would prefer to see the appeal site re-developed with a building in order to facilitate wider regeneration aims. The proposal would also be larger than the existing advert on the site, albeit similar in size to the 96 sheet panel that was previously granted consent by the Council.
7. However, the proposed advert would be seen against the backdrop of the buildings behind it. There are also other vertical structures in the area, including streetlights, road signs and traffic lights that would assist in visually assimilating the proposal with the existing streetscene. There are also multiple examples of adverts alongside the main transport routes close to the appeal site and they form part of the character of the area.
8. For these reasons, the advertisement would not be unduly harmful to the visual amenity of the site or the surrounding area. Nor would it conflict with the general aims of the Council to improve the appearance of the road network corridors into and out of the City. There is also no firm evidence before me to suggest that there is a viable alternative proposal to re-develop the appeal site in line with the Council's preferences.
9. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken into account policies HD25, HD18 and OE15 of the Liverpool Unitary Development Plan (Adopted November 2002), they have not been a decisive consideration in reaching my decision.

Conclusion and Conditions

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

¹ APP/Z4310/H/14/2222600 Decision date: 15 December 2014

11. I shall impose the five standard conditions set out in the Regulations. I have also specified in the formal decision that the period of consent is for five years which reflects that which was applied for.
12. The Council have also suggested a number of conditions which I shall now go on to consider.
13. Consents are automatically given for five years, unless specifically stated otherwise. After the five year period, the scheme would benefit from deemed consent and could continue to be lawfully displayed. However, there is no firm evidence before me to indicate that the advertisement would be likely to be unacceptable at the end of the specified period. As such, a condition restricting the period of consent and requiring the advert to be removed would not be justified.
14. The Council's suggested conditions Nos.2, 3 and 4 seek to control the illumination of the advert. The appellant objected to these conditions on the basis that they were not applied to the existing advert on the appeal site. A copy of the 2014 permission was submitted with the appeal. Condition No. 2 of that permission does restrict the maximum luminance of the advert to a maximum of 600 cd/m². All images are also required to be static and not change more frequently than once every 10 seconds, unless otherwise agreed in writing with the Council. The conditions suggested in relation to this scheme are similar in scope, although they are slightly more restrictive than the condition previously applied. Given the proximity of the advert to a busy road junction into a major city centre with a high volume of traffic travelling along it and the fact that the advert will be larger than that previously displayed on the site, I consider that the suggested conditions are reasonable and justified in the interests of highway safety.
15. Suggested condition No. 5 essentially restates the five standard conditions set out in the Regulations and is therefore not necessary.
16. A condition requiring the scheme to be carried out in accordance with the submitted plans is not necessary as my decision grants express consent, not planning permission.

V Lucas-Gosnold

INSPECTOR