The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/Z4310/Z/19/3236898
Land in front of The Tower at X1 The Quarter, Sefton Street/Parliament Street, Liverpool L8 5RS

- 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 Ian Bullingham of Engage Outdoor Media Ltd against the decision of Liverpool City Council.
- The application Ref 19A/1152, dated 17 April 2019, was refused by notice dated 13 August 2019.
- The advertisement proposed is described as '1no. portrait mega 6 freestanding digital advertising display unit, measuring 6.5m high x 4.5m wide'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address provided by the Council on their decision notice as this appears to be a more accurate reflection of the site's location.

3. The Council has drawn my attention to the development plan 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[1] 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.

Main Issue

4. The main issue is the effect of the proposed digital advertisement on the visual amenity of the surrounding area.

Reasons

5. The appeal site is an area of pavement to the front of a modern high-rise tower building at the junction of Sefton Street, Chaloner Street and Parliament Street, a busy highway junction that forms a main route into Liverpool City Centre. The surrounding area is characterised by a mix of commercial and residential buildings. The site's immediate context is dominated by the impressive contemporary X1 Tower development which is part of a larger development known as 'The Quarter'. This recent development provides a

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

modern and vibrant character to the area with high quality public realm works including wide open footways with new paving, low level planting and trees which enhance the character and appearance of the area.

6. The proposal would see the introduction of a freestanding LED illuminated digital advertisement unit positioned to the front of the tower building and facing north over the junction. The display would measure 4.5 metres in width and 6.5 metres in height and be set 2 metres off the ground, rising to an overall height of 8.5 metres. Travelling from the north along Chaloner Street, the advertisement would be highly visible with the tower building providing an imposing backdrop. While advertisements and other signage is not uncommon in the surrounding area, they are of a much reduced scale and are generally limited to the confines of buildings or boundary features, limiting their visual impact. As a result of its size, positioning and method of illumination, and in the absence of other digital advertising units of a similar scale or appearance, the proposed advertisement would result in a highly prominent and visually obtrusive feature.

7. Notwithstanding that the luminance levels, frequency and manner of change between images could be controlled via condition, its digital LED method of illumination would result in a visually incongruous feature that would stand out from other advertisements in the area and thus dominate the street scene. Furthermore, the advertisement would harmfully detract from the landscaping scheme and general public realm improvements to the front of the building and thereby eroding the contribution these features, including a line of young trees, make to the high quality appearance of this regenerated urban area.

8. I accept that the advertisement would not dominate the tower building. However, it would amount to a visually discordant and dominant feature in the street scene, which must properly be considered at the human scale. Accordingly, I do not accept that the installation of the proposed digital advertisement would enhance The Quarter as a gateway development or create any sense of place.

9. I appreciate that the site is not in a conservation area or an area of special advertisement control, nor are there any Listed Buildings within the immediate vicinity. Furthermore, the appellant stresses that local businesses, including the Council, would be able to utilise the 'media space' for advertising rather than just large national and multi-national companies and thereby contributing to the local economy. It is also suggested that the digital advertisement would complement the digital and creative businesses located in this part of the city, yet I have no details of how this would be the case. Consequently, these matters attract only limited weight and, therefore, do not outweigh the harm I have found.

10. The appellant cites a number of examples of digital advertisements at various locations across Liverpool City Centre and suggests that the city centre in general is very much characterised by digital advertisements. As such, the appellant is concerned that the Council has been inconsistent with its approach and decision-making with regard to the appeal proposal. However, I did not see any other LED digital advertisements, of the scale proposed, in the immediate locality of the site that would support the appellant's assertions. Moreover, the absence of such features does not provide a justification for allowing the appeal.

11. I do not have the full details of the cited examples of other advertisements before me and I am unaware of the circumstances that led to these other proposals being accepted. Therefore, I cannot be sure that they represent a direct parallel to the appeal proposal or its surroundings. In any case, I have determined the appeal on its own merits.

12. Consequently, I have found that the proposed digital advertisement would be harmful to the visual amenity of the surrounding area. Hence, the proposal would be contrary to saved policy HD25 of the Liverpool Unitary Development Plan 2002 which seeks to safeguard the amenity of the area.

Conclusion

13. For the reasons I have set out, and having regard to all other matters raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR