



Appeal Decisions

Site visit made on 26 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 5TH February 2025

Appeal A Ref: APP/Z4310/W/24/3351191

Pavement outside Kokoro, 77 Church Street, Liverpool, L1 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still (In Focus Public Network Limited) against the decision of Liverpool City Council.
 - The application is Ref 24F/1320.
 - The development proposed is described as the installation of a modern, multifunctional hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/Z4310/Z/24/3351189

Pavement outside Kokoro, 77 Church Street, Liverpool, L1 1DG

- 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. Nathan Still (In Focus Public Network Limited) against the decision of Liverpool City Council.
 - The application is Ref 24A/1322.
 - The development proposed is described as the installation of a modern, multifunctional hub unit featuring an integral advertisement display and defibrillator.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each upon its merits, I have dealt with both in a single decision letter.
4. In respect of both appeals, the Council has drawn my attention to the policies it considers to be relevant, 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. In my determination of appeal B, the Council's policies have not therefore, by themselves, been decisive.
5. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework,

published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version (including chapter10). Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.

6. I am also determining other planning and advertisement applications for hubs in the area. I have determined each upon their individual merits.

Main Issues

7. The main issues in respect of Appeal A are the effect of the proposal upon (i) the character and appearance of the area, (ii) the safety of users of the pavement and the servicing of adjacent shops, and (iii), whether the appellant has justified a need for the development having regard to local and national planning policies. The main issues in respect of Appeal B are the effects of the proposed advertisement on (i) the visual amenity of the area, and (ii), public safety.

Reasons

Character and appearance/visual amenity (appeals A & B)

8. On my site visit, I was able to see that Church Street is a wide and essentially pedestrianised area with a variety of different shops positioned on either side of it and in a linear form. It was clear that the various planters, including trees, had been deliberately positioned within the street-scene to provide some public seating areas and to offer a relative soft and consistent form of street furniture and landscaping within what is a characterful and bustling spacious pedestrianised shopping environment.
9. The proposed hub, including an illuminated advertisement with dynamic images, would be approximately 2.6 metres above ground level and 1.3 metres wide. It would include a canopy projecting 0.6 of a metre from the hub. It is proposed to position it about 4.6 metres from an existing planter which includes a well-established tree, and which also functions as a public seating facility. It would also be located approximately 5.6 metres from the frontage of No. 77 Church Street. It would be within part of the pedestrianised area used by shoppers.
10. I acknowledge that a similar type of hub has been erected close to the appeal site, and that a second is also visible from it. However, I do not know the exact circumstances which led to these being erected.
11. Despite their presence, while there is some other street furniture in this part of Church Street (e.g. refuse bins and street bollards), the area is generally open and spacious and there is a consistency to the way that the area has been planned. To the passer-by, the size and extent of street furniture is seen as being subservient in scale within the open pedestrianised area. Overall, the above features add distinctively and positively to the character and appearance of the area.
12. The hub, including its associated advertisement, would be located close to an existing planter and to the frontages of several shops. I find that it would appear bulky and dominant in scale in the street-scene and would unacceptably compete with and detract from the planter (with tree) and seating area close by. I consider that the hub, with its associated advertisement, would be a

cluttered addition to the street causing material harm to its visual amenity, character and appearance.

13. The harm would be compounded by the inclusion of a projecting canopy (thereby adding further bulk to the proposed facility) and would include dynamic images within the proposed advertisement. These factors would draw attention to a facility which would not assimilate well into the street scene.
14. Therefore, for the above reasons, I conclude that the proposed development would not accord with the amenity, design, character, and appearance requirements of policies SP3, UD1 and UD9 of the Liverpool Local Plan (2022) (LP), or with chapter 12 of the Framework.

Public safety (appeals A & B)

15. While the proposals would result in a narrowing of space which would otherwise be used by pedestrians, including those who are visually impaired, the hub (including advertisement) would nonetheless be positioned in such a way that enough space would be still available to enable the free movement of all pedestrians including those on foot, in a wheelchair, or those with prams. Moreover, I do not have any evidence before me to indicate that the positioning of the hub would give rise to any significant servicing difficulties.
16. Therefore, I conclude that there would be no conflict with the public safety and servicing requirements of policies TP1, TP3, TP6 and TP8 of the LP or with paragraph 116 of the Framework.

Whether a justified need for the development (appeal A)

17. The local planning authority (LPA) asserts that it is necessary that the appellant demonstrates that there is a need for the proposed hub. It considers that it would not provide infrastructure for next generation mobile technology (e.g. 5G) and that it would simply be complementary to any existing free Wi-Fi and telecommunications provision in the area (including the use of individual mobile phone technology). In this context, the LPA considers that the proposal does not accord with the infrastructure requirements of policy STP4 of the LP, or chapter 10 of the Framework.
18. I have considered policy STP4 of the LP. The proposals would not in themselves result in a shortfall in infrastructure. In fact, the proposal would result in additional, albeit complementary, infrastructure provision within the area. Moreover, policy STP4 states that '*applications for the provision of new infrastructure will be supported where they are required to deliver national priorities and locally identified requirements*'. This does not state that complementary infrastructure will be resisted as a matter of principle. Moreover, chapter 10 of the Framework similarly refers to decisions 'supporting' the expansion of electronic communications networks, and paragraph 123 states that LPAs should not '*question the need for an electronic communications system*'.
19. For the above reasons, I do not find that the appellant is required to demonstrate a need for the hub in policy terms and, furthermore, neither policy STP4 of the LP, nor chapter 10 of the Framework, specifically prohibit the provision of the proposed hub, even accounting for the fact that the technology to be provided would merely be complementary to that which is currently

available. Therefore, I do not find any conflict with policy STP4 of the LP, or chapter 10 of the Framework.

Other Considerations

20. The hub, including its advertisement, would provide a complementary telecommunications and information facility in this city centre environment. The hub would offer a facility for those that do not have a mobile phone with them, and the advertisement would be a useful information facility for those that are passing-by. It would also include a defibrillator. Collectively, these are benefits that need to be weighed against the identified harm that would be caused by the proposals.

Planning Balance and Conclusions

21. Harm would not be caused from the proposals from a pedestrian safety point of view or in terms of servicing the nearby shops. In addition, there is no policy requirement for a need to be proven for the hub. However, the hub (including its associated advertisement) would have a materially adverse impact upon the visual amenity of the area. This is a matter of overriding concern and is not outweighed by the identified benefits associated with the provision of the hub. Therefore, both Appeal A and Appeal B should be dismissed.

S. Hartley

INSPECTOR