



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/24/3349713

Pavement outside 18-20 Church Street, Liverpool, L1 3FN

- 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/1306.
 - The development proposed is described as the installation of a modern, multifunctional hub unit featuring an integral advertisement display and defibrillator.
-

Appeal B Ref: APP/Z4310/Z/24/3349716

Pavement outside 18-20 Church Street, Liverpool, L1 3FN

- 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/1312.
 - The development proposed is described as the installation of a modern, multifunctional hub unit featuring an integral advertisement display and defibrillator
-

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 on 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 chapter 10). 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 (iii), whether the appellant has justified a need for the development having regard to local and national planning policies. The main issue in respect of Appeal B is the effect of the proposed advertisement upon the visual amenity of the area.

Reasons

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

8. Church Street in the vicinity of the appeal site is a very busy, pedestrianised thoroughfare with shops and businesses to either side, housed in multi-storey buildings rising directly from the pavement and of varying ages.
9. The proposed hub, including an illuminated advertisement with dynamic images, would be approximately 2.6 metres high and 1.3 metres wide and would be sited to the side of the pedestrian thoroughfare.
10. The area includes planting, places to sit and other street furniture. Within a few yards from the appeal site and almost abutting it and in front of the same building, the local planning authority (LPA) has granted approval for a street hub including two No. LCD screens¹. The approval was for the proposed development to replace telephone boxes.
11. The removal of the phone boxes would have reduced clutter in the heavily pedestrianised street, to the improvement of the character and appearance of the area. I consider that the provision of another hub and advertisement displays so very close to the existing approval would be a retrograde step by re-establishing clutter, especially when existing street furniture is also considered, together with a further existing free- standing, digital advertising panel a few metres further along the street.
12. In the circumstances, I find that an additional hub and advertisements screens would be seen as an adverse, cluttered addition to the otherwise well planned and spacious street-scene, causing material harm to the visual amenity, character and appearance of this part of the city centre.
13. The harm would be compounded because the hub would include a projecting canopy (thereby adding further bulk to the proposed facility) and would include dynamic images within the proposed advertisement. These factors would draw even more attention to a facility which would not assimilate well into the surrounding area.
14. Therefore, for the above reasons, I conclude that the hub and advertisements would cause material harm to the visual amenity of the area, and that the

¹ 21F/1412 and 21A/1413

proposals 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 2024 Framework.

Public safety (appeal A)

15. While the proposal would result in a narrowing of space which would otherwise be used by pedestrians, including those who are visually impaired, the hub 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. I accept that it would result in a narrowing of space in relative terms, but the proposal would not have a significantly detrimental impact upon the free movement of users of the space.
16. For the above reasons, I consider that the proposal would not have an unacceptable impact upon public safety. Therefore, there would be no conflict with the public safety requirements of policies TP6 and TP8 of the LP or with paragraph 116 of the 2024 Framework.

Whether a justified need for the development (appeal A)

17. The 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, and 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 2024 Framework similarly refers only 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 if 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. Amongst other things, it 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 from the proposals.

Planning Balance and Conclusions

21. Harm would not be caused from the proposals from a public or pedestrian safety point of view. 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