



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: 05 February 2025

Appeal A Ref: APP/Z4310/W/24/3349722

Pavement outside Khanijaus Ice Cream and Donuts, Queen Square, Liverpool, L1 1HL

- 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 In Focus Public Network Limited against the decision of Liverpool City Council.
 - The application is Ref 24F/1371.
 - 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/H/24/3349726

Pavement outside Khanijaus Ice Cream and Donuts, Queen Square, Liverpool, L1 1HL

- 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 In Focus Public Network Limited against the decision of Liverpool City Council.
 - The application is Ref 24A/1370.
 - 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 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

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 pedestrian flows 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 upon (i) the visual amenity of the area and (ii) upon highway safety.

Reasons

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

7. The area of the bus station is one where the interaction of buses and pedestrians, with pedestrian crossings, means that particular attention is required. The appeal site is located on a busily used pedestrianised pavement.
8. The bus station building includes an imposing rotunda which acts as a focal point for views along the roads leading to it. While the building is not Listed, it adds distinctively and positively to the character and appearance of the area.
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. By its size, and siting, it would interrupt and visually detract, to a significantly adverse extent, the views when seen on the approach road along Roe Street of the rotunda, and would adversely affect the character and appearance of the area.
10. On my site visit, I was able to see other advertisements, and indeed other similar hubs, in the immediate area, though by their siting and effect, these do not have the same adverse effect, or at least not to the same unacceptable degree.
11. 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 proposals would not accord with the amenity, design, character and appearance requirements of policies CC18, UD1 and UD9 of the Liverpool Local Plan (2022) (LP), or with chapter 12 of the Framework.

Public safety (appeal A and B)

12. 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 advertisements) would nonetheless be positioned in such a way that enough space was 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 proposals would

not have a significantly detrimental impact upon the free movement of users of the space.

13. I consider that the proposals would not have an unacceptable impact upon public safety. Therefore, I conclude that there would be no conflict with the public safety and servicing requirements of policies CC18, TP1, TP3, TP6 and TP8 of the LP, or with paragraph 116 of the Framework.

Whether a justified need for the development (appeal A)

14. 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 with chapter 10 of the Framework.
15. 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*'.
16. 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 2024 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 with chapter 10 of the Framework.

Other Considerations

17. 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

18. Material 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