



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/24/3354293

Pavement opposite Millenium House, Whitechapel, Liverpool L1 1LE

- 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 Urban Innovation Company (UIC) Ltd against the decision of Liverpool City Council.
 - The application is Ref 24F/2054.
 - The development proposed is for the installation of a "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/Z4310/H/24/3354294

Pavement opposite Millenium House, Whitechapel. Liverpool L1 1LE

- 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 Urban Innovation Company (UIC) Ltd.
 - The application is Ref 24A/1954.
 - The development proposed is for the installation of a "Pulse Smart Hub" with integrated digital screens.
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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. In addition, the appellant has referred to other appeal decisions where similar devices have been allowed and referencing the need for consistency in decision making. While I have noted such submitted examples, I have determined the two appeals before me based 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 the 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 issues in respect of Appeal B are (i) the effect of the proposed advertisement upon the visual amenity of the area, and (ii) the effect upon highway safety.

Reasons

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

8. The proposed hub would be located on the edge of the main retail area of the city centre upon a public footway in Whitechapel which links the city's main museums with the commercial and retail parts of the city centre. Surrounding buildings are generally multi-storey and are located immediately to the back of the pavement.
9. The proposed hub, including illuminated advertisements with dynamic images, would be approximately 2.6 metres high and with a footprint of approximately 300mm by 400mm.
10. In 2018, prior approval was granted on appeal for a public telephone box at the same location¹. The Planning Inspector concluded that the proposed development would not affect adversely the character and appearance of the area.
11. However, the current proposal differs from the previous, approved proposal (which is not present on the site). It would be somewhat taller, and while it would have a reduced footprint, it would include LCD advertisements which, by their changing digital images, their brightness and colour, would introduce an isolated incongruous, alien feature into the long view of the street scene.
12. Therefore, I conclude that the proposal would not accord with the amenity, design, character and appearance and other requirements of the Liverpool Local Plan 2022 (LP) policies UD1, UD9 or with the Framework.

Public safety (appeals A & B)

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

¹ appeal ref. APP/Z4310/3186615

14. For the above reasons, I conclude that the proposals would not have an unacceptable impact upon public safety. Therefore, 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)

15. 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, and chapter 10 of the Framework.
16. 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 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'*.
17. For the above reasons, I do not find that the appellant was 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

18. The hub, including its advertisement, would provide a complementary telecommunications and information facility in this city 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 in its favour in the decision process. However, the prevalent use of individuals' mobile technology limits such beneficial advantages, such that they do not outweigh the harm which I have found to the character and appearance of the area.

Planning Balance and Conclusions

19. Material harm would not be caused from the proposals from a pedestrian flow point of view. In addition, I have found no significant conflict with policy regarding a need to be proven for the hub. I have also taken into account the benefits which would result from the proposal. However, the hub (including its associated advertisement) would have a materially adverse impact upon the visual amenity of the area,

including its overall character and appearance and I afford this overriding concern. Therefore, both Appeal A and Appeal B should be dismissed.

S. Hartley

INSPECTOR