
Appeal Decisions

Site visit made on 18 February 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal A Ref: APP/Z4310/W/24/3349719

Pavement on Basnett Street and the junction with Church Street, Liverpool L1 1EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Public Network Limited, against the decision of Liverpool City Council.
 - The application Ref is 24F/1324.
 - The development proposed is to install a multifunctional hub unit with touch screen, telephone and defibrillator, featuring an integral advertisement display screen.
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Appeal B Ref: APP/Z4310/H/24/3349724

Pavement on Basnett Street and the junction with Church Street, Liverpool L1 1EJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of In Focus Public Network Limited, against the decision of Liverpool City Council.
 - The application Ref is 24A/1325.
 - The advertisement proposed is installation of internally illuminated LCD display screen (integral part of a multifunctional hub unit with touch screen, telephone and defibrillator).
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Decisions

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

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed hub. Appeal B is in respect of the refusal of advertisement consent for the LCD advert screen. I have dealt with the appeals on their individual merits, but as the advert screens are an integral part of the hub and the issues raised are similar, it is appropriate to consider the appeals together, except where otherwise indicated. To avoid duplication, I have combined both decisions into a single decisions letter.
4. In both appeals I have taken the description of the proposal from the Council's Decision Notice as this is a more accurate description.
5. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar

as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

6. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to by the Council are not determinative, I have taken them into account where relevant.
7. The appeal site is next to Compton House, 33-45 Church Street, a Grade II Listed Building. I have therefore had regard to the statutory duty set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

8. The main issues for Appeal A are:
 - whether the proposed development would preserve the setting of the listed building, Compton House;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the movement of pedestrians and other footway users; and,
 - whether the proposed development would accord with local policies and national guidance with regard to the need for the development.
9. The main issues for Appeal B are the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Setting of listed building (Appeal A)

10. The proposed multifunctional hub unit (hub) would be located within a pedestrianised area of Liverpool City Centre close to the side elevation of Crompton House, which sits at the corner of Basnett Street and Church Street. At the time of my site visit, scaffolding had been erected around the building and some parts were covered in a shroud. Nevertheless, I could see that the building is 4 storeys and constructed in stone. From the details available to me, including the list description, I note the building was constructed as a department store between 1865 and 1867.
11. On the basis of the evidence, Crompton House is notable for its detailing, such as a central round-headed window with pediment above, slightly projecting end bays with rusticated quoins, canted corners with octagonal turrets, Palladian-type windows, some with pilasters and entablatures and a highly decorative fourth floor and roof with bulls-eye dormers. Despite the building's central urban location, surrounded by tall buildings of varied age and appearance, it commands an imposing presence on one of the main shopping frontages.

12. On the basis of what is before me and what I saw at my visit, I consider there is historic and aesthetic significance derived from the building's relatively intact and grand external appearance. There is also significance arising from its social value as an early example of a large purpose-built department store. The wide pedestrianised frontage provides an uninterrupted aspect from which the building is viewed from Church Street. This, and the gap created by the uncluttered nature of the pedestrianised Basnett Street and Tarleton Street to each side of the building contributes to how the building is appreciated and this setting makes a positive contribution to the significance of this listed building.

Proposal and effects on setting

13. The proposed hub would be located approximately 1.7m from Crompton House on Basnett Street, and approximately 8m from its junction with Church Street. It would be approximately 2.6m tall and 1.3m wide and would display an internally illuminated digital LED screen which would take up the vast majority of one face of the hub. The other face of the hub would include a canopy with solar panels to light the hub, touchpad, free calls to landlines, free wi-fi, interactive wayfinding, access to local webpages and news, device charging, an emergency services call button, and built in CCTV monitoring. It would also include a defibrillator.
14. Due to its height, form and proximity to Crompton House, together with the absence of other street furniture along Basnett Street, it would interrupt views of the listed building when taken from both Basnett Street and Church Street. Importantly, the design of the structure and bright digital displays would be prominent and eye-catching. Although similar hubs are a common feature along Church Street and elsewhere in the city centre, Basnett Street is relatively free from street furniture and narrower in comparison. The close position of the proposed hub to the Basnett Street elevation of Crompton House would be incongruous when seen against the historic backdrop of this listed building. As such, the proposal would undermine the appreciation of the building's qualities and setting.
15. There are large, glazed windows at ground floor level of the listed building and the building on the opposite side of Basnett Street. Although the proposed hub would be seen against the goods or advertisements visible in these windows, this would not alleviate the harm I have identified to the setting of the listed building as a result of the poor location of the hub.
16. For the reasons given, I find there would be a moderate adverse effect on the setting and thus the significance of the Grade II listed Crompton House. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.

Heritage balance

17. Paragraph 213 of the Framework sets out how any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.

18. The proposed hub would provide a modern telecommunication and information facility that would include a publicly accessible defibrillator and emergency calling. This would be a health and safety benefit in the city centre. The advertising panel could be used in association with the Council, the Police and charitable organisations to provide public information. The appellant has also outlined that the hub would be powered by green energy with the screens lit using solar power and is therefore an energy efficient addition to the street scene. The proposal would align with the objective of supporting advanced, high-quality communications infrastructure set out in paragraph 119 of the Framework.
19. Whilst these would undoubtedly be public benefits from the proposal, the scale of the scheme as a single communication hub, the prevalent use of individuals' mobile technology and the presence of other similar hubs in the city centre, limits such benefits. Nonetheless, when taken together the above-mentioned public benefits attract moderate weight in favour of the proposal. Even so, I find that the public benefits of the scheme would not outweigh the less than substantial harm to the heritage asset previously identified.
20. Consequently, in relation to Appeal A, the proposal would not comply with the Act. It would conflict with Policies HD1, SP3 and UD1 of the Liverpool Local Plan 2022 (LP). Together, these policies seek, amongst other things, that the historic environment of Liverpool is conserved, and the shopping environment is enhanced.

Character and appearance (Appeal A) / Visual amenity (Appeal B)

21. Basnett Street links the main Church Street with Williamson Square, a city centre public space. At the time of my site visit on a mid-week lunch time, albeit a snapshot in time, Basnett Street was reasonably bustling with pedestrians. I also saw that Church Street, whilst wide, is somewhat cluttered with digital hubs and other items of street furniture, including benches, street signs, bollards, and litter bins. In contrast, Basnett Street includes relatively few retail or other main commercial entrances and, with the exception of a narrow strip of outdoor seating beside a café on the corner of Williamson Square, is predominantly free from street clutter. This allows views to be obtained along the length of the street which provides a sense of openness at street level to counter the perception of enclosure from the tall buildings either side.
22. Due to its height and its digital, changing advertising displays, I find that the proposal would be a visually intrusive structure in the street scene. Even though the hub would be positioned close to Crompton House rather than in the centre of the street, due to its height and width, it would nonetheless reduce visual permeability up and down the street to and from Church Street and Williamson Square. As a result, it would result in a harmful and dominant addition to the street scene which would diminish the character and appearance of the street scene.
23. I note the appellant has suggested controls in line with guidance from the Institute of Lighting Professionals would control the level of illumination for the advertisement panel. However, this would still not overcome my concerns with the proposal's effects on the character or appearance of the area.
24. For these reasons, in relation to Appeal A, I conclude the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies SP3 and UD1 of the LP. Amongst other things, these policies

seek to ensure development in the city centre has a positive impact on the public realm, is fully integrated within the centre and designed to reflect the characteristics of the area within which it is located.

25. In relation to Appeal B, for the same reasons as above, the proposed advertisement would detract from the visual qualities of the immediate area and the significance of Crompton House. The presence of advertisements in windows and on shop front on Basnett Street are noted. However, these are different to the proposed display in terms of their appearance and location and so they do not justify nor overcome the particular harmful effects of the proposal. Overall, I conclude the advertisement would adversely harm the visual amenity of the area. Insofar as they are relevant, it would therefore conflict with the above identified Policies SP3 and UD1 of the LP. It would also conflict with paragraph 141 of the Framework which highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.

Pedestrian Movement / Public Safety (Appeals A and B)

26. Although comprised of the same paving material, the paving pattern and drainage channel along Basnett Street indicates that a central vehicular passage is retained along the street for deliveries to nearby commercial premises. The Council's highway department suggest deliveries to these premises can be undertaken between the hours of 6pm and 10am. Due to the alignment of buildings on the west side of Basnett Street, the footway on this side (separated by a drainage channel from the central paved area) varies.
27. The proposed communications hub and integrated advertisement screen would, because of its height and width, obstruct some lines of sight and narrow the width of the available pedestrian space. However, the hub would not be located within the central area where deliveries could be undertaken. Rather, it would be located upon part of the pedestrian area where the footway is wide. Although the hub would be sited close to Crompton House, an unobstructed footway of 1.7m would be retained between the hub and the building. Furthermore, the footway on the other side of the central vehicular accessway would remain unimpeded.
28. Whilst I accept the Council's assertion that the street is busy with pedestrians, I do not consider that the siting of the proposal in this particular location would significantly restrict movement, even if the people were concurrently using the smart hub. In my view, even during times when deliveries would be permitted, the proposed hub would not reduce the coherence of the pedestrian route between Church Street and Williamson Square or create a significant barrier to pedestrian movement. There would be enough circulation space available in the vicinity of the proposed hub to enable the free movement of all pedestrians including those on foot, with a mobility, visual or cognitive impairment or those with prams.
29. Due to the gap which would be retained between the hub and Crompton House, pedestrians would not be forced to walk in the space reserved for deliveries between 6pm and 10am. A similar sized width of footway would be retained for pedestrians as found elsewhere along Basnett Street. Thus, the proposal would not create such an obstruction within the street to result in conflict between vehicles and vulnerable users.
30. Moreover, as the proposed hub would not be located within the delivery and servicing access area, it would not obstruct the safe operation of deliveries and

servicing to nearby commercial premises. Thus, I consider the function of the public realm would be retained.

31. I therefore conclude on this main issue that, in respect of both Appeal A and B, there would be no harm to pedestrian or other footway users or public safety. Consequently, in respect of Appeal A, there would be no conflict with Policies TP1 and TP3 of the LP which together seek to ensure that development does not have detrimental impact on the movement of people or goods, or compromise land used for transport functions. It would also not conflict with Policies TP6 and TP 8 of the LP which, amongst other things, both seek that development demonstrates best practice in design for pedestrians and that adequate provision is made for servicing and loading without having an impact on the operational effectiveness of development and safe movement of people, vehicles and goods.
32. In respect of both appeals, the proposal would not conflict with the guidance at paragraph 116 of the Framework, which states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety. Neither would it conflict with paragraph 117 of the Framework which requires development to give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and which minimise the scope for conflicts between pedestrians, cyclists and vehicles, to avoid unnecessary street clutter and allow for the efficient delivery of goods and access by service and emergency vehicles.

Need (Appeal A)

33. Policy STP4 of the LP states, amongst other things, that the provision of new infrastructure will be supported where it is required to help deliver national priorities and locally identified requirements and where its contribution to agreed objectives outweigh the potential for adverse impacts.
34. The proposal would not provide a new 5G service or deliver full fibre broadband to the area. Nevertheless, it would not result in a shortfall of infrastructure. On the contrary, it would provide additional and complementary provision of a network of publicly accessible telephony and, from the appellant's evidence, wi-fi services within a radius of approximately 9m from the hub to those using the city centre streets.
35. Although no locally identified requirement for the proposal has been presented to me by either party and I acknowledge that there are other ways to provide digital infrastructure, paragraph 123 of the Framework is clear in that the need for electronic communications systems should not be questioned. Even if there are high levels of personal device ownership in the area and several other information points in the city centre, it is recognised at paragraph 119 of the Framework that the expansion of electronic communications networks should be supported – next generation mobile technology is just one example of such communication but that does not mean that other complementary infrastructure should be wholly resisted.
36. I note that the appellant is working in partnership with the Community Heartbeat Trust, a registered charity that promotes greater access to defibrillators in public spaces and that the Council recognises the benefit of a defibrillator. As such, in itself, even if there are 5 other defibrillators close to the appeal site, I find no planning harm in the provision of an additional defibrillator at the appeal site.

37. In respect of Appeal A, for the above reasons, it is not necessary to question the need for electronic communications systems. Even accounting for the fact that the technology to be provided would be complementary to that which is currently available, it would nonetheless, be of communication benefit to the area. Neither policy STP4 of the LP, nor guidance in section 10 of the Framework, specifically prohibit the delivery of the proposed development. Therefore, the proposal would not conflict with policy STP4 of the LP or section 10 of the Framework which seek the aims I have already set out above.

Other Matters

38. In respect of Appeal B, the appellant has made other arguments in support of the proposal, including that the display of the advertisement would contribute to the vitality of a healthy retail centre, that the site could be used for display of public information, including for charitable use and emergencies, and a platform for other technologies which could support businesses and the Council in planning for changes in the urban environment. However, matters not relating to amenity and public safety fall outside the scope of Appeal B, as defined in the Regulations. As such, these potential benefits do not provide justification for allowing a proposal which would be harmful to amenity for the reasons set out above.
39. In respect of Appeal A, in accordance with the heritage balance I have set out above, the proposed hub would enable users to access the digital network without charge and provide a modern telecommunication and information facility that would include a publicly accessible defibrillator and emergency calling. This would be a health and safety benefit in the city centre. The advertising panel could provide public information. The proposal would align with the objective of supporting advanced, high-quality communications infrastructure set out in paragraph 119 of the Framework.
40. The appellant has drawn my attention to other freestanding multifunctional hubs in the city centre. However, I have very little information on any of these before me other than photographs. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusions

Appeal A

41. The proposed development would not cause harm to pedestrian movement or the function of the public highway. In addition, no need for the proposal would be required in terms of local or national policy. However, I find the proposal would result in unacceptable harm to the character and appearance of the area. Furthermore, I find the proposal would have an adverse effect on the setting and thus the significance of the listed building. These latter harms are not outweighed by the benefits of the proposal.
42. The proposal therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Appeal B

43. The proposal would be acceptable in terms of public safety but this does not outweigh the harmful effect it would have on visual amenity. The appeal is therefore dismissed.

A Veervers

INSPECTOR