



Appeal Decision

Site visit made on 27 January 2026

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 February 2026

Appeal Ref: APP/Z4310/W/25/3374637

35 Regent Road, Sandhills, Liverpool, L5 9SR

- 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 Gary Hincks against the decision of Liverpool City Council.
 - The application Ref is 25F/1184.
 - The development proposed is change of use of former timber storage yard (Use Class B8) to entertainment and hospitality venue for food and beverage consumption (Use Class Sui Generis) for temporary period of 24 months including the erection of marquee, storage containers and food stalls. The venue would accommodate a maximum of 1000 guests and operate between 09.00am and 00.00, Monday to Sunday.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the proposal as 'erection of temporary marquee for over 28 days'. The decision notice and appeal form both describe the proposal as in the banner heading above, following the appellant's agreement to this change. I have therefore made my determination on the same basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to the preservation of the setting of listed buildings and the preservation or enhancement of the Stanley Dock Conservation Area;
 - highway and public safety;
 - the activities of neighbouring businesses;
 - suitable and inclusive access for all visitors; and
 - surface water drainage and flood risk.

Reasons

Character and Appearance

4. The appeal site is a timber storage yard and service road operating as part of an active timber merchant. Nearby Grade II listed buildings include the Dock Wall, the Bramley Moore Dock Hydraulic Engine House, and the warehouse at 15–17 Fulton Road. The appeal site's western boundary also runs alongside the Stanley Dock Conservation Area (CA).

5. I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the proposal's impact on the special architectural and historic interest of listed buildings and their settings. The National Planning Policy Framework ('the Framework') (2024) Paragraph 212 requires great weight to be given to the conservation of designated heritage assets, which includes the CA.
6. The Liverpool Local Plan 2013-2033 (LP) Policy HD1 broadly aligns with the Framework approach, whereby particular consideration will be given to ensure that the significance of those elements of the City's historic environment which contribute most to its distinctive identity and sense of place are conserved and not harmed. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Proposals affecting a CA should preserve or enhance those elements which contribute to its character and appearance.
7. The Framework paragraph 207 specifies that an applicant should describe the significance of any heritage assets affected, and as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The LP Policy HD1(8) states that permission will not be granted for applications which are not fully justified and accompanied by full information necessary to assess the impact of the proposals on heritage assets, to demonstrate that the architectural and historic interest of the structures has been understood and accounted for.
8. On this basis, the submitted heritage evidence is wholly inadequate, as it does not fully identify or describe the significance of nearby designated heritage assets in any way. It simply states there is no evidential, historical, or aesthetic value to the site as it is a vacant plot of land. Its resulting conclusion of negligible impact on heritage assets is therefore evidently unsubstantiated. It is well established that the setting of a listed building can extend beyond its immediate proximity, including through historic or communal connections.
9. Although Liverpool Waterfront no longer holds World Heritage Site status, it retains its important maritime heritage as one of the World's major ports and trading centres in the C18 to the early C20. The Stanley Dock CA covers the entire Northern Docks, Princes Half Tide Dock and East Waterloo Dock, plus Stanley Dock and associated warehouse. Its significance arises from the combination of its numerous heritage assets which demonstrate its role in this wider maritime history. While the Hill Dickinson Stadium ('the Stadium') is clearly a prominent and exceptional new intervention, the historic dockland character remains evidenced in the area's physical architecture, including the docks, warehouses, shipping offices, and other maritime structures.
10. The 'Dock Wall from opposite Sandhills Lane to Collingwood Dock with entrances' dates from 1848. It is a very imposing tall and long granite wall forming the historic dock boundary along Regent Street. It incorporates grand entrances with piers and towers, including one adjacent to the appeal site. The 1883 'Hydraulic Engine House at Bramley Moore Dock' now lies within the stadium plaza, comprising a red brick engine house, accumulator tower, and truncated octagonal chimney. Again, it illustrates the historic industry which took place across the docklands.

11. The '15-17 Fulton Street' warehouse dates from approximately 1850, later used for a variety of industrial purposes, and converted into artist's studios/living accommodation in the early C21. It holds architectural significance from its original function remaining clearly readable, from being an interesting example of two separate mid-C19 warehouse units contained within a single building, and being an important survival of an early fireproof warehouse building which illustrates the changing technology at that time. Its historic interest represents the expansion of the dock system northwards from the city centre. In this it holds strong group value with the surrounding listed buildings, by reflecting the process chain from dock to warehouse.
12. The proposed marquee would be a substantial and incongruous insertion into this streetscene. Its light colouring and temporary materials would be highly visible, and create undue prominence within the context of the coherent robust brick and stone of the heritage assets and the CA. This would be particularly apparent in juxtaposition with the adjacent Dock Wall. Indeed, the appellant's own Heritage Statement identifies that *"there is no architectural or aesthetic value to the marquee as it is purely utilitarian in use."* In this manner it would also detract from the considered architecture of the Stadium. The proposed 24 month timescale would limit the extent of harm overall, but this does not in itself justify the harmful design, and its impact over that period. There is no justification as to why a less obtrusive structure could not achieve the same function.
13. Moreover, there would be no enhancements to the modern palisade fencing on three sides of the site, or landscaping to soften the impact. The appellant states that access would only be via Fulton Street, but the plan does label 4 'entrance / exit' points directly onto Regent Road. Whether or not only for emergency access, there would be visual disconnection due to the lack of clearly defined active frontages, as would be expected for this type of use. For the proposed aim to create a positive visitor experience in this area of high footfall, it would be inappropriate to retain this stark and uninviting perimeter which lacks visual interest and identity.
14. Any potential harm to listed buildings from the Stadium and the other permissions/applications suggested by the appellant, including other marquee style developments, does not relate directly to the proposal before me. They are different types and scale of proposals, whereby the context for their overall planning balance judgements would have been markedly different. Moreover, any existing harm to heritage assets which may exist does not in itself justify additional harm. I must determine the proposal on its own merits, and the visual characteristics of its own site and area.
15. Overall, I find that the proposal would lead to less than substantial harm to the significance of the designated heritage assets, at a moderate level of harm within that spectrum in accounting for the proposal's temporary nature. I give great weight to this harm as required by the Framework Paragraph 212. The Framework Paragraph 215 and the LP Policy HD1 identify that less than substantial harm should be weighed against the public benefits of the proposal. I address the proposal's benefits in my Planning Balance, and therefore reserve conclusion on this matter until that point in my decision.
16. However, I also find there would be harm to the character and appearance of the area, and thus conflict with the LP Policies UD1, UD5, CC13, CC19, and EC4.

Together and amongst other matters, these require all new buildings to be designed to the highest design standards, based on a clear rationale and aesthetic aligned to the area's characteristics, and particularly that development on the waterfront should be of a high-quality design that respects its sensitive historic surroundings, including the industrial heritage of the dock estate. The materiality, tone and texture of the area should be reflected in the design, ensuring that the building scale, form, massing, and means of enclosure responds to the existing character of the place, with appropriate active frontages onto the public realm to provide natural surveillance.

Highway and Public Safety

17. The appellant states that the proposal would not cause increased demand on public transport capacity and highway safety, as only customers who already hold tickets for stadium events would be permitted access. This would be managed by stewarding, and the approved Premises Licence includes 42 specific conditions to also control other parameters relating to safety and anti-social behaviour. These include every event being supported in advance by an Events Management Plan to be shared with relevant parties, the premises licence holder to agree counter terrorism measures with Merseyside Police, CCTV, and staffing details and training. These measures were imposed in consultation with Merseyside Police, who I note has made no comment on the application or appeal.
18. The site is within a designated no parking zone under the Council's Experimental Traffic Regulation Order, and Merseyside Police also manages this area to be no vehicle access on match and event days. On this basis, during those event day timing periods I accept that pedestrian and vehicle conflict would be very limited, as vehicles would not be permitted along Fulton Street for some hours either side.
19. However, there is a disconnect between this indication that no additional visitors to the area would be generated, and other statements in the evidence where occasional separate events are referenced. Moreover, the Licence includes references to boxing and combat events and family shows, and the description of development would allow for opening hours of 0900 to midnight every day of the year. There is also a lack of clarity relating to the servicing arrangements. The appellant references implementing a management plan agreed with all relevant parties except for the Council, but this is not before me. Similarly, I have not seen the referenced agreement with Terry's Timber relating to traffic closure of Fulton Street for periods around when the marquee would be open.
20. Although I could condition the proposal to only serve stadium ticket holders, that would be unreasonable as it would fundamentally restrict the description and the proposal sought. It is also unclear how such a condition could be enforced by the Council. The above considerations therefore indicate that the site could be in operation or require servicing and staff presence, when Fulton Street is actively used by heavy goods vehicles servicing the timber yard. There is no confirmation of the frequency and size of any additional events, so as to assess their additional travel and highways impact. The introduction of large numbers of visitors and staff needing to travel along or cross Fulton Street for food containers and toilets, would create an unacceptable conflict between vehicle movements and public safety.
21. The Licence requirement to inform third party authorities of events in advance, also does not outweigh the need for certainty via the planning process that those parties have the necessary security resources available. This relates to the site's

location directly adjacent to the Stadium, being in its critical zone for potential crime and terrorist activity.

22. The proposal would be adjacent to critical Stadium access points, which were driven by detailed pedestrian modelling outputs to identify the safe capacity of Regent Road to accommodate crowd flows. In contrast, there is no detailed information on crowd management, beyond the appellant's statement of a consensus with all relevant parties after extensive consultation, that the proposal would be a benefit to the transport capacity plan and pedestrian safety. They state that part of the Merseyside Police consultation team was the officer responsible for anti-terrorism, who was in full agreement with the actions taken by the appellant. However, there is no documentation before me such as meeting minutes or email confirmations to highlight exactly what has been agreed, and by which parties.
23. The appellant also states that it is difficult to determine a fully detailed travel plan, and suggests this should be imposed via condition. However, it is unclear why a travel plan is not possible at this stage. Even for stadium event days, there is no indication whether the 1,000 visitors may generate public transport trips to and from the area earlier or later than the stadium's capacity modelling previously assumed. A public transport capacity assessment is required in order to provide certainty that it would be sufficient when taking into account the proposed opening hours. I also note the lack of a servicing management plan, swept paths, or vehicle tracking details, which again increases uncertainty over how deliveries would be safely accommodated.
24. Based on all the above, the lack of information indicates that achievable and reasonable conditions could not be imposed to allow deferral of safety and security measures, public transport capacity modelling, cycling facilities, and servicing and delivery plans. A condition could control fire-fighting related matters, but this would not outweigh the other issues I have identified.
25. Overall therefore, the proposal would harmfully affect public and highway safety and would conflict with the LP Policies TP1, TP5, TP6, and TP8. Together and amongst other matters, these require development proposals to have regard to road safety considerations, positively manage travel demand through the provision of travel plans, provide appropriate cycle access and parking facilities, provide a well-designed pedestrian environment and ensure that the layout is fully accessible, and for adequate provision for servicing without having an impact on the safe movement of people, vehicles, and goods.

Neighbouring Businesses

26. The Framework paragraph 200 seeks to ensure that new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The 'agent of change' should be required to provide suitable mitigation. The LP Policies CC13, CC19, and EC4 similarly require for new development to demonstrate it would not adversely impact the operation of existing businesses in the area.
27. For very similar reasons as above relating to highway and public safety, I find insufficient evidence has been provided relating to the potential impact on neighbouring businesses. Without sight of servicing information, and the likely number, size, and timings of events, it has not been demonstrated how the

proposal could appropriately co-exist with the required vehicle movements of the neighbouring businesses around Fulton Street, Regent Road, and Blackstone Street. As no copy of any agreement in place with Terry's Timber is before me, I cannot attach it to a relevant planning condition for accountability and enforcement.

28. Moreover, the lack of information relating to ensuring public safety and counter-terrorism measures, results in a potential effect on the Stadium's own operations and management in dealing with altered crowd control and security requirements. This also relates to the need to maintain the Stadium's safety certificate. Without identification of relevant measures for the appeal proposal, this could undermine the area's capacity to host large-scale events, and prejudice its strategic regeneration objectives.
29. The proposal would therefore have a harmful effect on the operation of existing businesses, and would conflict with the LP Policies CC13, CC19, and EC4 as outlined above.

Inclusive Visitor Access

30. The LP Policy UD4 includes that development proposals are expected to integrate the principles of inclusive design, and to indicate space standards and any facilities required for compliance with good practice, inclusive design guidance documents, equality legislation, and other policies. This includes requirements for proposals to meet the highest standards of accessibility and inclusion so that all potential users can use them safely and easily. All external works should be designed to be accessible and safe for people with mobility, visual, or hearing impairments, with layouts arranged to facilitate access to and within buildings.
31. The Design and Access and Inclusive Design Statement identifies that the whole development would comply with relevant Building Regulations for full and inclusive access, including for circulation spaces and toilet provision. The appellant refers to ramped access, a level floor, wheelchair accessible bars, and toilets suitable for people with disabilities. They state that further information would have been provided if had been requested by the Council during the application determination stage. However, such additional information did not accompany the appeal.
32. Only very limited detail is provided overall on how the proposal would meet the specific needs of disabled people, and how inclusive design principles have been integral to its evolution. This has particular importance considering the high volume of expected visitors plus staff. Outstanding issues not identified on the plans include inadequate ramps, flooring around the toilets and food containers which may prevent safe navigation for wheelchair and visually impaired users, no accessible toilets or Changing Places Toilet, and no seated-height serving section for the food container service counters and marquee bar.
33. While some other matters may be able to be addressed by planning conditions, the extent overall to which achieving inclusive design would require revisions to the plans, indicates a resulting material change to the proposal. It is therefore inappropriate to use conditions for this purpose, or to defer to the Building Regulations or licensing regimes. The proposal would therefore prevent guests from being able to use the facilities across the site freely and independently regardless of their physical or mental ability, in conflict with the LP Policy UD4.

Drainage and Flood Risk

34. The LP Policy R3 requires development proposals to protect and enhance water quality, reduce flood risk, and include water efficiency measures. Proposals should demonstrate that there is adequate wastewater infrastructure and water supply capacity. Where it is likely to create a specific shortfall or exacerbate existing deficiencies, developers will be required to adequately mitigate or compensate for those deficiencies. The Framework paragraph 182 identifies similar principles relating to sustainable drainage systems.
35. No detailed flood or drainage design plans or other technical information has been provided, such that a full assessment of how the development would manage surface water has not been possible. The appellant's appeal Statement of Case again states that there was no opportunity to provide this prior to the refusal, as it was not requested, but nonetheless no technical evidence was submitted at appeal stage. There is therefore no evidence before me to counteract the opinion of the Council's technical specialists.
36. I have considered the drainage conditions proposed by the Council in the event I were to allow the appeal, but find that they would be unreasonable because of the lack of certainty that flood risk and drainage could be satisfactorily addressed within what would be the approved parameters of the design. I therefore find there would be likely harm resulting from surface water drainage issues and potential flood risk, and so the proposal would conflict with the LP Policy R3.

Other Matters

37. The site and surrounding land is designated as a Mixed-Use Area on the LP Policies Map, whereby the LP Policy EC6 advises that planning permission will be granted for those uses specified in the Mixed-Use Area profiles, subject to the provisions of other relevant plan policies. It also lies within The Waterfront and its Fringes, as well as the Northern Gateway character area of the Ten Streets Area, which is identified as an important regeneration opportunity, and whereby policies CC10 and CC13 also apply. The latter identifies support for uses which maximise the economic potential of the area, which in the Northern Gateway includes a mix of employment/commercial uses, leisure and potential tourism related uses, and ancillary retail.
38. The appellant asserts that the proposal would not reduce the area's industrial activity, and that it gains specific support in principle from some development plan policies, including the Ten Streets Area. They also highlight that the only commercial business enterprises applied for in this area are hospitality venues associated with the football ground visitors. Nonetheless, when taking into account the detailed wording of the relevant development plan policies, I cannot conclude in isolation that the principal of the proposed use would be acceptable, because it is the effects of that use which I have demonstrated would cause harm.
39. The 24 month temporary time period sought for this proposal would reduce the overall extent of harm, which I have taken into account in my reasoning and weightings of harm above.
40. The construction period would generate some economic activity. The application form also identifies 50 part-time jobs, equivalent to 25 full-time jobs, and the Statement of Case refers to an investment of £350,000 and creation of 70+ jobs.

Although figures are not substantiated in any further detail, it is clear that for a proposal to serve up to 1,000 visitors per event, there would be increased employment, economic activity, and inward investment. Conditions would also maximise social value and recruitment opportunities for local persons. As the 24 month timescale would temper these benefits in the same way it would temper the harms, I give these benefits moderate weight.

41. The appellant makes several references relating to the Council's handling and timeline of the application, and consultation and negotiations. Any such matters are not directly determinative to my decision. The appeal submission has provided the opportunity for the appellant to respond to the reasons for refusal.

Planning Balance and Conclusion

42. Overall, I find that the economic public benefits identified above would not outweigh the great weight I give to the less than substantial harm to the settings of the nearby Grade II listed buildings and the CA as designated heritage assets. The proposal would therefore conflict with the LP Policy HD1, and the Framework section 16 on conserving and enhancing the historic environment.
43. I have also identified that there would be a harmful effect on character and appearance, highway and public safety, neighbouring business, inclusive visitor access, and drainage and flood risk. The proposal would not be a high quality response to the significant heritage assets and high visitor interest in the area, and the identified ambitions for future regeneration for this important part of the city. In this manner it would not serve as a catalyst for future investment.
44. In conclusion therefore, for the reasons given above, the proposal would conflict with the development plan taken as a whole. With no other material considerations indicating otherwise, I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR