



Appeal Decision

Site visit made on 27 July 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/A5840/W/19/3227999

London Bridge Station, Tooley Street, London, Bermondsey, SE1 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) (Amendment) (no.2) Order 2016.
 - The appeal is made by EE LTD & HUTCHINSON 3G UK LTD against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0012, dated 30 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is described as GPDO application for proposed 4G (fourth generation) equipment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The Framework supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of the GPDO (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as demonstrating need for the development is not at issue in this appeal.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan namely saved policies 3.2, 3.12, 3.13, 3.18, 3.24, 5.2 and 5.3 of the Southwark Plan (2007)(SP); Strategic Policy 12 of the Core Strategy (2011) (CS); Policy 6.3, 6.10 and 7.5 of the London Plan (2016)(LP), only in so

far as they are a material consideration relevant to matters of siting and appearance.

5. The National Planning Policy Framework (2019) (the Framework) was revised in February 2019, after the Council determined the application. Nevertheless, the policies set out in the Framework are capable of being a material consideration. As policies in relation to telecommunications have not changed significantly, I have had regard to the Framework in my decision and I am satisfied this has not prejudiced either party.
6. The appeal site is located within the Tooley Street Conservation Area within which a number of Listed Buildings (LB) are located. I therefore have a statutory duty to consider the effect of the development proposed on the setting of the LB under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. I have therefore determined the appeal on that basis.

Main Issues

7. The main issues are the effect of the siting and appearance of the proposed installation on:
 - the safe and efficient operation of pedestrian movements; and,
 - the Conservation Area (CA) and the setting of Listed Buildings (LB).

Reasons

Pedestrian Movements

8. The development proposed is the installation of a new 10.97m high Hutchinson Engineering Alpha 8 Telegraph Pole (monopole) on new D6 root foundation and two equipment cabinets within the pavement. Two equipment cabinets measuring 550mm (w) x 600mm (d) x 1550mm (h) and 450mm (w) x 600mm (d) x 1550mm (h) would be sited adjacent to the monopole.
9. The pole would be installed on the edge of the pavement, which in this location is relatively wide, as this area of Tooley Street has been designed to cope with the high level of pedestrians that use the London Bridge railway and underground station (the station). There is a large amount of street furniture on the pavement in the immediate vicinity including street lights, traffic lights, other telecoms and electricity equipment boxes, cycle parking, bollards which are hostile vehicle mitigation structures and benches located close to the entrance to the station.
10. Based on my site visit observations, the pavement in this location experiences extremely high footfall, particularly at peak hours due to the close proximity of the station and the concentration of office, retail and hotel uses in the immediate vicinity. Whilst the appellant states that location of the monopole and equipment cabinets would not disrupt pedestrian flows, they would be close to the area where pedestrians congregate to use the pedestrian crossing on their way to or from the station and the development proposed would have an adverse effect by causing an obstruction on the pavement interfering with the free movement of pedestrians congregating at this point adjacent to the busy Tooley Street.

11. I conclude that the installation of the monopole and equipment cabinets would have a detrimental effect on the free movement of the high flows of pedestrians in the proposed location and would be contrary to the aforementioned policies 3.11, 5.2 and 5.3 of the SP and policies 6.3, 6.10 and 7.5 of the LP and the Framework.

Conservation Area and setting of Listed Building

12. The appeal site is located on the pavement on the south side of Tooley Street, near the junction with Bermondsey Street and opposite Battle Bridge Lane. It is located close to the entrance of London Bridge Railway station. Despite being in the CA which is characterised by a mix of older buildings of various architectural styles and periods, the setting of some of the LB's, is in marked contrast with adjacent modern contemporary commercial and rail infrastructure buildings. The contrast of old and new buildings, which are prominent in the streetscape give the CA its distinctive character and appearance in this locality.
13. The appellant states that the proposed monopole's slimline design would enable it to blend in with its surroundings. However, given the height of the proposed monopole it would be considerably higher than the street lights on this side of Tooley Street, and would not be partially obscured by them. As a result, the proposed monopole's height and the bulky appearance of the equipment cabinets would be a prominent addition to the street scene and would add substantially to the existing clutter of street furniture in this vicinity.
14. The Council has concerns in respect of the effect of the proposed monopole on the setting of LB's and the contribution they make to the CA as a whole. From most short and medium views in either direction along Tooley Street, the visual effect of the monopole and equipment cabinets would be prominent and would not be overshadowed by the backdrop of the more modern and prominent buildings developed around More London and the London Bridge Railway station.
15. Based on my site visit observations and the evidence submitted by the appellant¹ the dominant and incongruous appearance of the proposed monopole would have a significant adverse effect on the setting of the Shipwright's Arms LB, which makes a noteworthy contribution to the CA in this location, particularly when viewed from the direction of the station. The height and prominent appearance of the proposed monopole would significantly detract from the noticeable façade of the public house, which plays a prominent role in the street scape of Tooley Street in this location. Further, the proposed monopole and the equipment cabinets would have an adverse impact on the Counting House LB, when viewed from the station entrance. The modern glazed building on More London, on the opposite side of Tooley Street, which is in stark contrast to the LB would not help mitigate the impact of the monopole structure on the setting of the LB and would in fact accentuate its prominence within the streetscene.
16. Whilst the Council has concerns in respect of the development proposed on Nos 115-121 Tooley Street LB, the visual impact would be much less pronounced, due to the distance of the LB from the monopole and the more prominent backdrop of the station when viewed from this direction.

¹ WHP Telecoms Ltd Photomontage Report Cell Number 76842 – Tooley Street: View 4 and View 5

17. Overall, I conclude that the effect of the proposed monopole and its associated equipment cabinets would be contrary to the aforementioned policies 3.12, 3.13, 3.16 and 3.18 of the SP, Policy 12 of the CS and policies 7.4, 7.6 7.8 of the LP.

Conclusion

18. The harm to the setting of the LB's and character and appearance of the CA is less than substantial. Given the need for the additional coverage in this location, there would be public benefits associated with filling the identified communication deficit and these are aspects that weigh in favour of the development. Whilst I attach moderate weight to these benefits, these have to be balanced against the harm that has been identified with respect to the main issues of this appeal and those identified in carrying out my duty under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I therefore conclude that the benefits would not outweigh the harmful effects on the efficiency of pedestrian movements and the desirability of preserving and enhancing the setting of the LB and the character and appearance of the CA.
19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Paul Wookey

INSPECTOR