

Appeal Decision

Site visit made on 5 October 2023

by Martin Andrews MA(Planning) BSc (Econ) DipTP & DipTP (Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal A Ref: APP/K5030/W/22/3301235

Pavement o/s 18 Liverpool Street, London EC2M 7PD

- 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 British Telecommunications plc against the decision of the City of London Council.
 - The application, Ref. 21/01079/FULL, dated 30 November 2021 was refused by notice dated 25 May 2022.
 - The development proposed is the installation of 1 no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks.
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Appeal B Ref: APP/K5030/H/22/3301236

Pavement o/s 18 Liverpool Street, London EC2M 7PD

- 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 British Telecommunications plc against the decision of the City of London Council.
 - The application Ref. 21/01080/ADVT dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed is the installation of 2 no. 75" LCD display screens, one on each side of the Hub Unit.
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Decision: Appeals A and B

1. The appeals are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for the proposed Street 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 it is both convenient and appropriate to consider the appeals and their main issues together. In the case of Appeal B, I have used the description on the Council's Notice of Refusal as it relates directly to the advertising as opposed to the development as a whole referred to on the application form.
 3. Paragraph 114 of the National Planning Policy Framework 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
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4. Paragraph 118 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system. I have had regard to these statements of Government policy and considered them in conjunction with the policies of City of London Local Plan and the London Plan cited by the Council in its Decision on the application.
5. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of City of London Local Plan and the London Plan cited by the Council in its Decision on the applications. These are Local Plan Policies CS2, CS10, CS12, DM10.1, DM10.4, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D5, D8, HC1 & T2.
6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the more restrictive form of the development plan policies clearly necessitates a balanced decision. However, in my view it is the specifics of the site's characteristics and the extent to which proposed equipment would be in keeping with its surroundings that are primarily the determinative factors in the appeal. In this context I have factored into the appraisal of the appeals my view firstly that the Street Hub is not in itself a poor design as the Council alleges and secondly that the benefit to the street scene of the associated removal of the existing kiosks is of material weight.

Main Issues

7. The main issues are (i) the effect of the proposed Street Hub and its advertising screens on visual amenity and the character and appearance of the area, including designated Heritage Assets and (ii) the effect on public safety and convenience.

Reasons

8. With regard to both main issues, the Council considers that the proposed Street Hub would add to the visual clutter in the street scene and have an adverse effect on a number of designated heritage assets. These are Bishopsgate Conservation Area within which the equipment would be located; the Liverpool Street railway station; the Great Eastern Hotel, and a Police Call Box, all Grade II listed. In particular it is argued that the Street Hub would be on a key pedestrian route outside Liverpool Street Station and in this position, it would be harmfully intrusive to the views of the aforementioned listed buildings for users of the paved area outside the row of the shops and cafes that form the southern boundary to the public space.
9. In the broadly east/west aspect along Liverpool Street and its associated pedestrian area the equipment would be partly obscured by the cycle rack (from the east) and the existing iron gate (from the west). There would also be the dominating presence on the other side of the road of the multi-storey building with its modern glass fronted design. Furthermore, the public benefit of the Street Hub would be increased by its proximity to the main rail station and the underground where visitors to the city will be in greater numbers and the Hub's facilities including wi-fi and phone charging may well be more in demand.

10. However, despite these points in the appellant's favour, the Street Hub would be read mainly against the adjacent ground floor uses of attractive buildings that are of late Victorian origin and in some cases non-designated heritage assets. For the most part (and despite one particularly unfortunate exception) the shop fronts are of traditional appearance with wooden frames and their historic character is complemented by the period design of the entrance to Liverpool underground station.
11. Advertising signage is generally restrained in size and illumination, whilst the upper floor elevations of the row with their pleasing symmetry retain their architectural integrity. In this context of the visual entity of the pedestrian area I find that the proposed Street Hub with its advertising display panels on the site chosen would draw the eye as being an excessively modern and commercial feature in the context of the primarily Victorian character and appearance of the street scene.
12. On this issue I therefore find that there would be harm caused to visual amenity and the character and appearance of the area, including less than substantial harm to the designated Heritage Assets of the conservation area itself and the listed buildings. This harm would not be outweighed by the public benefits of the Street Hub's facilities and the removal of just one of the two BT kiosks as shown on the site plan Ref. 002 Rev. A. The retention of the other kiosk inevitably weakens the appellant's overall case for permission.
13. Accordingly, there would be harmful conflict with the aforementioned development plan policies; the City Public Realm Supplementary Planning Document: 'People, Places, Projects', and with Government policy in the Framework taken as a whole.
14. The second main issue includes the Council's concern that the proposed Street Hub would cause an obstruction for pedestrians. I am not persuaded on this point given the wide pavement and overall accessibility of the pedestrian precinct outside Liverpool Street station. Moreover, the equipment would be positioned on the same alignment as the large and clearly well-used cycle rack. However, my favourable conclusion for the appellant on this issue does not outweigh my overall conclusion that, on balance, the appeals must fail.

Conclusion

15. For the reasons explained above and having had regard to all other matters raised the appeals are dismissed.

Martin Andrews

INSPECTOR