

Appeal Decision

Site visit made on 21 September 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/22/3301243

Pavement o/s BrewDog, 19-21 Great Tower Street, London EC3R 5AR

- 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 BT Telecommunications plc against the decision of the City of London Council.
 - The application, Ref. 21/01062/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 Kiosk(s).
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Appeal B Ref: APP/K5030/H/22/3301245

Pavement o/s BrewDog, 19-21 Great Tower Street, London EC3R 5AR

- 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 BT Telecommunications plc, against the decision of the City of London Council.
 - The application Ref. 21/01063/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 screens. 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 as 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. Paragraph 118 says that applications must be determined on planning grounds only and should not seek to prevent
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competition between different operators or question the need for an electronic communications system.

4. 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 application. These are Local Plan Policies CS2, CS10, CS12, CS16, DM10.1, DM10.4, DM10.6, DM10.8, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D8 & HC1 & T2.
5. 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 the proposed equipment would be in keeping with its surroundings that are primarily the determinative factors in the appeals. 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

6. 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 and (ii) the effect on public safety and convenience.

Reasons

7. The appeal site is on the pavement adjacent to the BrewDog public house at No. 19-21 Great Tower Street on the corner with Mark Lane. The BrewDog occupies the ground floor of the Minster Building which is a multi-storey structure with large distinctive archways on the ground floor that enable outdoor eating and drinking at tables within the recessed area of each arch. However, at the time of my visit this eating area was extended out further onto the pavement and enclosed by a line of planters. This narrows the pavement area available for passers-by.
8. On the first issue, the Council's concern is that the Street Hub would represent a harmful increase in the existing street clutter, with a cycle rack, signposts, a black cabinet and a post box already on this section of pavement. I am minded to agree with this view given that the pavement is also used as a dining area with the tables positioned on what appears to be a semi-permanent basis.
9. I also consider that the contemporary design of the Street Hub would appear somewhat incongruous against the large stone arches in the more traditional design of the Minster Building colonnade. The significant height and bulk of the arches would by comparison have the advantage of giving the much smaller Street Hub a modest scale, but this would not resolve the incongruity. Moreover, the extensive plate glass windows of the building have a mirror effect for this part of the street, and this would include a prominent reflection of the Street Hub that would increase its visual impact.

10. The Council also refers to the proposed Street Hub adversely affecting the setting of heritage assets, including the Grade II Listed 'Hung Drawn and Quartered' Public House at No. 27 and also that *'it would be prominent in views from Great Tower Street of the Grade I listed All Hallows Church and the Tower of London World Heritage Site'*. However, the public house is on the opposite side of the road and offset from Street Hub's position some way further along the Minster Building. And whilst the Street Hub would technically be within the sight line of the other heritage assets, the combination of its relatively modest size and the substantial distance would render it as insignificant in the appreciation of them. Given that in my view the effect would be somewhere between no harm and the most minimal level of less than substantial harm I consider that this would be outweighed by the benefit to the public of the Hub's features.
11. However, this does not alter my overall view on the first issue that the Street Hub would have a harmful effect on visual amenity and the character and appearance of the area, in conflict with the relevant local and national policies referred to in paragraph 4 of this Decision.
12. On the second issue, I have already explained that the outdoor seating for the BrewDog restricts pedestrian flow, especially as it would appear from my visit that patrons of the premises tend to stand on the pavement with drinks to socialise before taking their seat. And although in itself less significant in this respect, the siting of the Street Hub in close proximity to this area would only make matters worse in terms of obstructing the pavement.
13. I therefore conclude that the siting of the Street Hub in the position proposed would have an unacceptably adverse effect on public safety and convenience in conflict with the relevant policies itemised in paragraph 4 above.

Conclusion

14. For the reasons set out above and having had regard to all other matters raised, Appeals A and B are dismissed.

Martin Andrews

INSPECTOR