



Appeal Decision

Site visit made on 21 May 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/Z4310/W/23/3335043

Liver Street Streetworks, Opposite 17 Liver Street Ibis Hotel, Ropewalks, Liverpool L1 8LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone against the decision of Liverpool City Council.
 - The application Ref is 23PT/1302.
 - The development proposed is the installation of a 17.5m high streetworks column supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment, and the installation of 2 no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 17.5m high streetworks column supporting 6 no. antennas, 2 no. 0.3m dishes and ancillary equipment, and the installation of 2 no. equipment cabinets and development ancillary thereto at Liver Street Streetworks, Opposite 17 Liver Street Ibis Hotel, Ropewalks, Liverpool L1 8LY in accordance with the application 23PT/1302 and the details submitted with it including plan nos: 100 A Site Location Maps, 200 Rev A Existing Site Plan, 201 Rev D Proposed Site Plan, 300 Rev A Existing Site Elevation and 301 Rev D Proposed Site Elevation and subject to the following condition:
 1. The cabinets hereby approved should be coloured dark green and the mast hereby approved coloured grey prior to installation, and they shall be retained and maintained as such thereafter.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination has been made on this basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of the development plan, including those of the Liverpool Local Plan 2013-2033 (Local Plan), as well as the National Planning Policy Framework (Framework) insofar

as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

5. The appeal site forms part of the pavement on Liver Street in a City Centre location. It is situated close to a wall and railings that form part of the boundary to a large car parking area of a former Police Headquarters site. A multistorey car park and a number of tall buildings are sited in the surrounding area, including a development site under construction on the opposite side of Liver Street that has been referenced as a 16-storey residential scheme. The range of uses and the general variety in the scale of buildings, a number of which are of a significant height, provides for a mixed character in this part of the City Centre.
6. The proposed mast would extend to a height of 17.5m. This would be taller than nearby lighting columns, which range in height from 10-12m. The proposal would nevertheless be seen in the context of a variety of vertical street furniture items, as well as lighting columns and a flag pole in the adjacent car park. The proposed mast would also be wider than these existing structures, and would be visible from various surrounding vantage points, including from The Strand. However, although the proposed mast would be situated along a relatively wide section of the highway, in such views, it would be seen amongst a variety of much taller buildings and therefore would not appear unduly prominent or overbearing.
7. The proposal would introduce a further street furniture item but given its differing appearance to the existing lighting columns and a nearby street sign, it would not give rise to an unduly uncluttered appearance.
8. The proposed cabinets would be low level structures, which would be seen against the 2m high brick wall and railings. Their siting and appearance would not therefore unacceptably harm the character and appearance of the area.
9. I therefore conclude that the siting and appearance of the proposed installation would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would not conflict with, insofar as they are material considerations, Policies STP4 and HD1 of the Local Plan or Paragraph 119 of the Framework, which seek, amongst other matters, for communications infrastructure to be sympathetically designed.

Other Matters

10. As the mast would be sited to the back edge of a wide footway, it would not unduly impact on the sightlines of the vehicular access and egress point from the adjacent car park or on pedestrian movements along the footway. Concerns have also been raised on the proposal being used as a climbing aid that could compromise the security of the adjacent site. However, given the height of the proposed cabinets relative to the boundary wall/railings and the slender form of the proposed mast, I do not consider the proposal would be

harmful in this respect. There is also no evidence before me that the proposal would impact police communications or on the value of the adjacent police site.

Conditions

11. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. A condition is also necessary to control the colour of the proposed cabinets and mast in the interests of the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR