

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/22/3301231

Pavement o/s Barclays Bank, 120 Moorgate, London EC2M 6UR

- 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. 21/01058/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/22/3301233

Pavement o/s Barclays Bank, 120 Moorgate, London EC2M 6UR

- 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. 21/01059/ADVT dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed is the installation and display of 2 no. digital 75" LCD screens, one on each side of the Street 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 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 the 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, D8 and HC1.
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 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 BT 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, including designated Heritage Assets and (ii) the effect on public safety and convenience.

Reasons

7. On the first issue, the Council argues that the Street Hub would be out of place in the Finsbury Circus Conservation Area and that the advertisements would appear as visually dominant, discordant and intrusive features within the street scene. Reference is additionally made to the proposal harmfully affecting the setting of heritage assets, including the Grade II Listed Lutyens House.
8. I consider that the proposed Street Hub would be less suitable in Moorgate than on many other sites in streets with a predominantly commercial use because, as the Council has correctly pointed out, the advertising and illumination of the existing commercial buildings are restrained in keeping with their surroundings. At the site itself, the Street Hub would be immediately outside the Barclays Bank frontage, which although the ground floor of a building of modern design, has discreet signage.
9. On the opposite side of the road the retail units are relatively small and again have fairly subtle advertising displays. A further factor is the wide pavement with a relative absence of clutter in terms of street furniture. In the immediate vicinity, apart from the two existing BT boxes to be removed there is only a wayfinder sign and a City of London emblem on a decorative pillar.
10. The pavement at this point is wide at between 6 and 8 metres and the existing two BT kiosks draw the eye because of their exposed aspect and the absence of surrounding clutter. The same considerations would apply to the Street Hub, which given its illuminated advertisement displays and its 'stand-alone' siting

would attract attention to an even greater extent than the existing unsightly BT kiosks.

11. The combination of the relatively modest size of the Street Hub compared to the tall buildings in the street and the distance to Lutyens House have the effect of preventing any harm to the setting of this Heritage Asset. Similar considerations apply to the Grade II Listed Moorgate Station. Nonetheless, because of its particular prominence as described above, I find on the first issue that the Street Hub would have an unacceptably harmful impact on the character and appearance of the area including less than substantial harm to the conservation area. This harm would not be outweighed by the public benefit of the Street Hub's free use of the facilities offered to passers-by and the removal of the existing kiosks.
12. On the second issue, the width of the pavement is such that the Street Hub cannot reasonably be considered as an obstruction to pedestrian movement, especially having regard to the removal of the existing kiosks which are in the middle of the pavement rather than the kerbside position proposed for the Street Hub.
13. TfL has objected on the basis that the kerbside position of the Street Hub would have the potential to cause a traffic hazard. However, there is no firm evidence to support this assertion and the street design already includes effective traffic calming features. And from my inspection of the site and its surroundings I am unable to support the view that motorists would be unduly distracted or that there would be increased danger for users of the cycle lane.
14. Notwithstanding my partial support for the appellant's case on the second issue, I find that harm would be caused to visual amenity and the character and appearance of the conservation area. Accordingly, there would be harmful conflict with the Council's policies itemised in paragraph 4 above; the City Public Realm Supplementary Planning Document: 'People, Places, Projects', and with Government policy in the Framework taken as a whole.

Conclusion

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

Martin Andrews

INSPECTOR