



Appeal Decisions

Site visit made on 22 May 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Appeal A Ref: APP/C1055/W/22/3304484

Pavement outside The Clock House, Morledge, DERBY DE1 2AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by JCDecaux UK Limited against Derby City Council.
 - The application Ref 22/00832/FUL, is dated 27 May 2022.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal B Ref: APP/C1055/H/22/3304486

Pavement outside The Clock House, Morledge, DERBY DE1 2AW

- 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 JCDecaux UK Limited against the decision of Derby City Council.
 - The application Ref 22/00833/ADV, dated 27 May 2022, was refused by notice dated 19 July 2022.
 - The advertisement proposed is installation of digital display screen to rear of Communication Hub unit to show static illuminated content
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Decision

1. Appeal A is allowed, and planning permission is granted for the installation of a multifunctional communication Hub including defibrillator and advertisement display at Pavement outside The Clock House, Morledge, DERBY DE1 2AW, in accordance with the terms of application Ref 22/00832/FUL, dated 27 May 2022, and the plans submitted with it, subject to the attached conditions.
2. Appeal B is allowed, and express consent is granted for the installation of digital display screen to rear of Communication Hub unit to show static illuminated content as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the five supplementary conditions set out as attached.

Preliminary Matters

3. I have used the description of the advertisement for Appeal B from the appellant's appeal form and Council's decision notice as this more accurately describes it than that on the application form.
4. Appeal A is against the Council's failure to give notice within the prescribed period of a decision for the planning application. The Council has not given any indication of what decision it would have reached if it had been in a position to make that decision other than to request the appeal be dismissed. I have

therefore assessed the proposal and its effects on heritage assets in accordance with my statutory duty.

5. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the electronic communication hub and advertisement are inextricably linked in each case. Therefore, to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on each site.
6. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive for Appeal B, I have taken them into account as a material consideration. The Council raise no concerns regarding public safety and based on the evidence before me and my observations on site I see no reason to disagree.

Main Issues

7. The main issue for appeal A is whether the proposals would preserve the settings of the Market Hall (listed grade II), the Court House Public House (non-designated heritage asset) and the City Centre Conservation Area.
8. The main issue for Appeal B is the effect of the proposal on visual amenity.

Reasons

Significance

9. The Market Hall is a large Grade II listed building dated 1864 constructed from red brick with stone dressings. The Court House Public House is included on the Council's Local List of buildings, and I have treated it as a non-designated heritage asset for the purposes of this appeal. It forms a highly decorated classically designed public house built in 1923. There has been an inn on the site since 1779. The significance of these buildings for the purposes of this appeal is largely derived from their surviving architecture and contribution to the understanding of local history and the evolution of the City. The Court House Public House sits at the back edge of the pavement and the wide street allows an open appreciation of its significance. The size and height of the Market Hall means that it is visible across the city, over a considerable distance forming a landmark building contributing to its significance.
10. The City Centre Conservation Area (CCCA) covers the historic core of Derby from its foundation in the tenth century. It contains many important historic buildings some of which are listed and defined by its historic street pattern with a mix of narrow thoroughfares and planned urban spaces and squares. Its significance for the purposes of this appeal is derived from the relationship of historic buildings and open spaces together with the early street pattern displaying the origins of Derby.

11. The appeal site is within a large, paved area between buildings and the road. It has intervisibility towards the side of the Market Hall within the CCCA. From the north it is in the foreground of the Court House Public House thereby contributing to their significance.

Impact on significance

12. The proposed Hub unit would stand at 2.63m tall and 1.34m wide in a simple, rectangular shape, finished in 'metal chain grey'. One side of the unit would contain an advertisement screen measuring 1895mm by 1065mm displaying a sequence of static images. It would also contain various communication and monitoring functions via a large touchscreen display as well as a defibrillator.
13. The area where the hub would be located is a wide expansive footway which has some seats and bins at a low level, but also several lampposts and traffic lights and a bus shelter. Furthermore, there is a busy road and road traffic roundabout between the appeal site and the designated heritage assets. Consequently, there is also some road signage commensurate with the location near a road.
14. The proposed structure would be placed close to the road away from the surrounding buildings. Its scale and simple form would ensure that it would integrate satisfactorily into the local environment I describe above. The advertisement would be on the northern side of the structure and viewed within the context of large commercial properties and the existing bus shelter. The method and intensity of illumination would be within the Institute of Lighting Professionals guidance. It would not therefore be unduly prominent or obtrusive. As a result, although the Hub would be visible in views towards the heritage assets it would be within the context of the local environment.
15. On that basis I am satisfied that the proposed unit would sit comfortably in the street scene and not be overly obtrusive and therefore would not harm visual amenity and the settings of the heritage assets would be preserved.
16. For the reasons above, I conclude that the proposal would preserve the settings of the Market Hall (listed grade II), the Court House Public House (non-designated heritage asset) and the City Centre Conservation Area. Also, for the reasons above the advertisement would not be harmful to visual amenity. Consequently, it would be in accordance with saved policies GD5, E18 and E19 of the City of Derby Local Plan Review 2006 and policies CP3, CP4 and CP20 of the Derby City Local Plan - Part 1: Core Strategy 2017 and the Framework as far as they are relevant. Together these require that development is of high-quality design which makes a positive contribution to character, distinctiveness and identity and preserves or enhances heritage assets.

Conditions

17. As well as the standard time limit, I have imposed a condition requiring the development to be constructed in accordance with the approved plans to provide certainty for Appeal A.
18. Regarding Appeal B, the standard advertisement conditions are required in the interests of safeguarding visual amenity and public safety. Conditions are necessary to control the intensity and duration of the advertisements in the interests of visual amenity and highway safety.

Conclusion

19. For the reasons above the appeals are allowed.

Zoe Raygen
INSPECTOR

Appeal A:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AO1934 Site A Site Plan document containing site plans, visuals and hub unit images, Appendix A Hub detail.

Appeal B:

- 1) No part of the advertisement shall contain any moving images, animation, video or full motion images or any image that resembles road signs, traffic signals or traffic signs.
- 2) The minimum time between successive displayed images shall be 10 seconds.
- 3) The means of illumination shall not be intermittent, pulsating or flashing and the intensity of the of the illuminance of the advertisement shall be no greater than 600Cdm2 during hours of darkness.
- 4) A mechanism shall be in place so that if the installation breaks down it defaults to a blank screen to avoid flashing error messages or pixelation.
- 5) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.