



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/22/3304490

Pavement outside 30-32 St Peters Street, DERBY DE1 2AE

- 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 JCDecaux UK Limited against Derby City Council.
 - The application Ref 22/00846/FUL, dated 27 May 2022 was refused by notice dated 2 August 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/22/3304492

Pavement outside 30-32 St Peters Street, DERBY DE1 2AE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by JCDecaux UK Limited against the decision of Derby City Council.
 - The application Ref 22/00847/ADV is dated 27 May 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 dismissed.
2. Appeal B is dismissed, and express consent is refused.

Preliminary Matters

3. The appellant has made appeal B against the non-determination of the advertisement application. The Council has submitted the relevant decision notice which shows the advertisement was refused on 4 August 2022, the same day as the appeal was submitted. I have therefore considered the appeal as submitted by the appellant but had regard to the Council's reason for refusal.
4. 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.
5. The location of the proposal changed during the Council's determination of the planning application. I have therefore used the amended address in my decision.

6. 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.
7. 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

8. The main issue for Appeal A is whether the proposal would preserve the settings of 1 St Peters Street, 1-2 Albert Street, former Royal Hotel (listed grade II), the City Centre Conservation Area and 11 St Peters Street (non-designated heritage asset) and whether the proposals would preserve or enhance the character or appearance of the Green Lane Conservation Area.
9. The main issue for Appeal B is the effect of the advertisement on the visual amenity of the area.

Reasons

Significance

10. No 1 St Peters Street is a Grade II listed building constructed in 1910 in classical style and is currently occupied by the HSBC bank. The former Royal Hotel is a Grade II listed building dated 1839 forming a large classical building partly in stone and partly in stucco. Nos 1 and 2 Albert Street form a Grade II listed building constructed 1848 from red brick with stone dressings. All the building exteriors are relatively intact and are imposing buildings on the corners of streets. No 11 St Peters Street is contained on the Council's Local List of Buildings, and I have treated it as a non-designated heritage for the purposes of this appeal. It is dated 1930 and was built as a 3-storey department store of the modern movement with art deco and neo classical motifs. It has a modern shop frontage at ground floor. Their significance is largely derived from their surviving architectural and historic interest of the historic development and evolution of the centre of Derby. All the buildings are located at the back edge of the footway and the wide streets allow an open appreciation of their significance.
11. The appeal site is within the Green Lane Conservation Area the boundary of which runs down St Peters Street for a short way encompassing the Medieval St Peters Church. This part of the GLCA is busy containing commercial properties fronting onto a main shopping street. However, further west the

area is quieter as an historic commercial area is replaced by often tightly packed Victorian housing, altogether of a different scale and character. The significance of the GLCA for the purposes of this appeal relates to the relationship of historic buildings to the street pattern and the eclectic mix of building form and styles, to which the wide street containing the appeal site positively contributes.

12. 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 many 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.
13. Due to the set back of the Royal Hotel and the significant distance involved there is little relationship or intervisibility between it and the appeal site. However, the appeal site forms part of the wide street with intervisibility towards the CCCA and both Nos 1 and 11 St Peters Street and 1 & 2 Albert Street thereby contributing to their settings.

Impact on significance

14. 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.
15. The area where the hub would be located is a pedestrianised part of the city on a wide thoroughfare which currently is mainly devoid of street furniture except for lampposts and a planter, seating, bin and bike racks to the north. However, these are mostly low-level structures which are not particularly obtrusive. As a result, the wide open paved area allows good views towards the north and south. The structure would be placed just under 3 metres from 30-32 St Peters Street roughly in line with the lampposts. Although in a commercial area it would nevertheless, due to its size and location away from the built form, be a large dominant freestanding structure, which would be particularly obtrusive in the open vistas harming the character and appearance of the area and hence the significance of the GLCA. Consequently, it would interfere with and compete with views of Nos 1 and 11 St Peters Street and 1 & 2 Albert Street eroding the visual appreciation of the buildings in the street scene harming their significance as well as views towards the CCCA harming its character and appearance.
16. The advertisement would be on the northern side of the structure and would be a six sheet, often seen in city centres as part of a bus shelter or freestanding roadside unit. However, this is a different context. I appreciate that this is a commercial area and that advertisements are common, but these are mainly at fascia level contained within a shop front. This would be a large display at a lower level in the middle of a thoroughfare drawing attention to the physical structure and causing undue prominence in the streetscene to the detriment of visual amenity.

Other Matters

17. The appellant has drawn my attention to several applications for advertisement consent that have been granted consent in the City¹. While of a similar size and scale, these are for double sided digital display screens different to that before me now. Furthermore, I have little detail as to whether the signs that have been granted has similar relationships to heritage assets as the current proposal.

Heritage balance

18. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
19. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
20. Paragraph 114 of the Framework supports the expansion of electronic communications networks which it states is essential for economic growth and social well-being. The provision of the communications hub would contribute to the expansion of communication networks in the City. The provision of a defibrillator would also contribute to wellbeing. Furthermore, providing many services in one Hub makes an efficient use of space. However, on the scale proposed these are modest benefits that would not outweigh the harm I have found to designated or non-designated heritage assets.
21. I am aware that the Council has granted consent for a double-sided free-standing advertising unit on the highway adjacent to 67 St Peters Street². However, from the evidence before me this was a replacement unit and therefore different to the proposal before me now.
22. For the reasons above I conclude that the proposal would not preserve the settings of 1 St Peters Street (Grade II listed), 1 & 2 Albert Street (grade II listed) the City Centre Conservation Area and 11 St Peters Street (non-designated heritage asset) nor would it preserve the character or appearance of the Green Lane Conservation Area. Also, for the reasons above the advertisement would be harmful to visual amenity. Consequently, it would be contrary to 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.

Conclusion

23. For the reasons above the appeals are dismissed.

¹ 22/00633/ADV, 22/00636/ADV, 22/00635/ADV, 22//00632/ADV

² 22/00634/ADV

Zoe Raygen

INSPECTOR