



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/22/3304502

Pavement outside 9 London Road, DERBY DE21 2NS

- 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 22/00839/FUL, dated 24 May 2022 was refused by notice dated 26 July 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/22/3304503

Pavement outside 9 London Road, DERBY DE21 2NS

- 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 22/00840/ADV, dated 24 May 2022, was refused by notice dated 26 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 9 London Road, DERBY DE21 2NS, in accordance with the terms of application 22/00840/ADV, dated 24 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. 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.

5. 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

6. The main issue for Appeal A is whether the proposal would preserve the settings of Zanzibars and 1-12 The Spot (non-designated heritage assets).
7. The main issue for Appeal B is the effect of the proposal on visual amenity.

Reasons

Significance

8. Zanzibars is a non-designated heritage asset and is a large brick building in the Art Deco style dated around 1935. It was formerly the Odeon Cinema and built as Gaumont Palace. The Spot is sited on the corner of London Road and Osmaston Road and is a range of Art Deco buildings which are steel framed and painted white with a curved building at the centre on the corner built in 1934. At the upper floors it has a strong horizontal emphasis with modern shop frontages at ground floor. Their significance is largely derived from their surviving architectural and local historic interest of the development and evolution of the centre of Derby. The buildings are located at the back edge of the footway and the wide streets allow an appreciation of their significance.
9. The appeal site is within a wide paved area which has intervisibility with both heritage assets, thereby contributing to their significance.

Impact on significance

10. 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.
11. The area where the hub would be located is a wide footway with a bin and low-level planters. To the north-west there are larger planters with trees and a parking bay. The backdrop to this side of the street is a large modern building forming the side of the adjacent shopping centre. To the southeast close to the A601 is a similar unit to that proposed here which does not look out of place.
12. The Hub would be placed close to the road and would be viewed against the modern buildings and within the existing street furniture and planting. Its simple form and scale would ensure it would integrate satisfactorily and would

not be overly obtrusive in that context. The advertisement would be on the south-eastern side so that it would be viewed towards the A601, modern buildings and the existing similar structure. I am satisfied therefore that it would sit comfortably in the streetscene and would not be harmful to visual amenity, preserving the settings of the non-designated heritage assets the significance of which would still be readily appreciated and would not be materially diminished.

13. For the reasons above I conclude that the proposal would preserve the settings of Zanzibars and 1-12 The Spot (non-designated heritage assets). 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

14. 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.
15. With regard to 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

16. For the reasons above the appeals are allowed.

Zoe Raygen
INSPECTOR

CONDITIONS SCHEDULE

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: AO1939 Site E 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 pixilation.
- 5) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.