
Appeal Decisions

Site visit made on 19 December 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2024

Appeal A: Appeal Ref: APP/Q0505/W/23/3324788

Pavement Outside 19-23 Fitzroy Street, Cambridge CB1 1PS

- 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 Mr Thomas Johnson (J C Decaux UK Limited) against the decision of Cambridge City Council.
 - The application Ref 23/00568/FUL, dated 15 February 2023, was refused by notice dated 31 May 2023.
 - The development proposed is the installation of a modern, multifunctional hub unit featuring an integrated advertisement display and defibrillator.
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Appeal B: Appeal Ref: APP/Q0505/Z/23/3324789

Pavement Outside 19-23 Fitzroy Street, Cambridge CB1 1PS

- 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 Mr Thomas Johnson (J C Decaux UK Limited) against the decision of Cambridge City Council.
 - The application Ref 23/00569/ADV, dated 15 February 2023, was refused by notice dated 31 May 2023.
 - The development proposed is the installation of 1 No. 86 inch LCD screen capable of showing illuminated static displays in sequence.
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Decision

1. Appeal A and Appeal B are dismissed

Procedural Matters

2. On 19 December 2023 an updated version of the National Planning Policy Framework (the Framework) was published but this does not materially alter the assessment of the appeal schemes, including the weight to be given to high quality communications.
3. The appeals relate to the same site and the same proposed development, namely a multifunctional communications hub which, amongst other things, would have an illuminated digital advertisement display. To avoid unnecessary repetition, the 2 appeals have been dealt with in a single Decision letter but the appeals themselves have been considered based upon their own merits.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reasons for refusal for Appeal B refer to policies contained in the Cambridge

Local Plan (LP) and the *Grafton Area Masterplan Supplementary Planning Document* (SPD) they are material considerations rather than being decisive in the determination of this appeal.

5. The appeal site is not located within a designated Conservation Area but is adjacent to the boundary of The Kite Conservation Area.
6. For clarity, the description for Appeal B has been adopted from the Council's Decision Notice which specifically refers to the proposed advertisement.

Main Issues

7. It is considered that the main issue for Appeal A is the effect of the proposed development on the character and appearance of the streetscene. For Appeal B, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

8. The appeal site forms part of a busy pedestrianised thoroughfare which is located within a primarily commercial area. The street is fronted by buildings of varying designs with commercial uses at ground floor level which have various facia and projecting advertisements. Within the central part of the street there is a range of street furniture, including cycle parking stands, lamp-posts, signs, trees, street stalls, bins and pavement seating in the form of benches. Overall, the streetscene has a cluttered appearance which, as identified in the SPD, adversely affects the quality of the public realm
9. LP Policy 12 identifies the Fitzroy/Burleigh Street/Grafton Area of Major Change within which the appeal site is situated. LP Policy 12 refers to improvements being made to the public realm, including the removal of street furniture the intention of which is echoed in the SPD. LP Policy 65 specifically concerns all types of street furniture and refers to the cumulative impact of proposals being taken into account when assessing visual pollution.
10. Although sited in alignment with other street furniture, by reason of its siting, design and scale, the appeal schemes would appear a conspicuous addition to the already physically and visually cluttered streetscene with added visual prominence due to the proposed advertisement panel. This proposed advertisement would introduce a sizeable element of illumination that would be both visually prominent and incongruous within the streetscene, including within the context of other street furniture. However, by reason of the commercial context of the site and existing streetscene, the proposed kiosk would not have an adverse effect on the setting of The Kite Conservation Area.
11. The appeal scheme would provide a range of services, including WiFi, device charging, messaging facilities, free calls to landlines and charities, wayfinding and a defibrillator. It would be powered by renewable energy, would generate minimal waste and would include features to prevent crime and antisocial behaviour. The proposed development would provide a platform for other technologies such as environmental conditions, CCTV and key data, and could support businesses and the vitality of the area. However, even acknowledging the support in the Framework for high quality communications, the benefits of these services would be modest and they fail to outweigh the unacceptable harm which has been identified.

12. For the reasons given, it is concluded that for Appeal A the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with LP Policies 12 and 55. LP Policies 1, 55 and 56 are related to general development management considerations rather than specifically the location of the appeal site and the nature of the appeal scheme. For the same reasons, it is concluded that Appeal B would harm the visual amenity of the area. Accordingly, it is concluded that these appeals should be dismissed.

D J Barnes

INSPECTOR