

Appeal Decisions

Site visit made on 31 January 2025

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2024

Appeal A Ref: APP/G2625/W/24/3348414

Pavement outside Debenhams, Rampant Horse Street, Norwich NR1 3RZ

- 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 Stephen Herraghty of JCDecaux against the decision of Norwich City Council.
 - The application Ref 24/00326/F, dated 15 March 2024, was refused by notice dated 23 May 2024.
 - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: APP/G2625/H/24/3348415

Pavement outside Debenhams, Rampant Horse Street, Norwich NR1 3RZ

- 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 Stephen Herraghty of JCDecaux against the decision of Norwich City Council.
 - The application Ref 24/00327/A, dated 15 March 2024, was refused by notice dated 23 May 2024.
 - The proposed advertisement is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The same description is used for both appeals, taken from the respective application and consent forms. For the avoidance of doubt, the proposed hub structure is the subject of the S78 planning appeal (Appeal A). The proposed illuminated digital LCD display screen on the structure is the subject of the separate advertisement appeal (Appeal B). Appeal B would be an integral part of the proposal for Appeal A. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with two proposals together, except where otherwise indicated.

Main Issues

3. For both appeals the main issues are the effect of the hub and advertisement screen on the character and appearance of the City Centre Conservation Area and the setting of listed and locally listed buildings, and the effect on highway safety, with particular regard to pedestrian movements.

Heritage

4. The appeal proposals are located in the City Centre Conservation Area (the CCCA), a widely drawn area which encompasses the historic core of the city. Rampant Horse Street is a transitional area where the character of the CCCA is heavily influenced by Twentieth Century retail, as part of that phase of the City Centre's commercial history. Nonetheless, there are vestiges of the medieval origins of this part of the City, not least the Grade I Listed St Stephen's Church, on slightly rising land a very short distance to the west of the appeal site. In terms of its appearance, Rampant Horse Street is a broad, open highway with only a modest amount of street furniture and signage, most of which is muted in its design and appearance. Overall, it is the blend of medieval buildings and long-established retail, the palimpsest of land use in the city centre, which is the heritage significance in this part of the CCCA.
5. The appellant refers to the appeal proposal being within the St Stephens Character Area of the CCCA where other digital advertisements exist (for example on the side of bus shelters in St Stephens Street). Whilst there is a predominantly commercial character to this part of the CCCA, including illuminated signs as part of shop frontages, digital advertisements are not a feature within the highway itself on Rampant Horse Street, including on the nearby bus stops. As such, I find the reference to St Stephen Street, which is a more overtly commercial and modern part of the CCCA, to be of limited applicability in justifying the appeal proposals.
6. The heritage significance of the nearby Grade I Listed Church of St Stephens is the scale, architectural quality and detailing of this medieval building. The notable North-west tower of the church is prominent in the street-scene. In various perspectives containing the appeal proposal, the Grade I listed Church forms a significant element of the backdrop, affirming its heritage significance as a building of some status. Similarly, the appeal proposal would be visible from outside the slightly elevated position of the church when looking east along Rampant Horse Street. The appeal proposal, by virtue of its scale, height and the luminosity of the large digital screen would clearly be experienced within the setting of this notable listed building.
7. The immediate historic context is further reinforced by the locally listed Marks & Spencer department store building opposite on Rampant Horse Street. The heritage significance of this building is its architectural quality as an interesting example of an early Twentieth-Century department store building. The façade of the upper storeys of this building, with their doric columns and other masonry detailing was clearly intended to be experienced from within Rampant Horse Street at the appeal location, denoting a building of commercial importance. The appeal proposal would be within the setting of this non-designated heritage asset.
8. The proposed hub and advertisement would be positioned in the pavement outside what is currently the moribund former Debenhams store. Notwithstanding the ground floor overhang to the Debenhams store building, the forward position of the appeal proposal close to the kerb of the carriageway means it would be a highly conspicuous feature in the street scene of this part of Rampant Horse Street. Whilst there is a street sign and some cycle stands relatively close to the appeal proposal, they are generally only slight features in their scale and appearance such that they do not interrupt the generally

sweeping views along Rampant Horse Street, including towards and from the Grade I listed church.

9. In contrast, the proposed hub would be a significant structure at 2.63 metres in height and 1.33metres in width. Due to its depth and elements such as a protective cover for the phone element, it would appear as a jarringly bulky and prominent feature, at odds with the wide, open and largely unfettered character of this part Rampant Horse Street. Furthermore, in views from the east, the large, illuminated display within the highway would be incongruously conspicuous in its forward position away from shop frontages. As such, the proposals would detract in what are currently unobstructed views for pedestrians at street level of both the Listed church and the locally listed Marks & Spencer building. Consequently, the appeal proposal would be a discordant feature at odds with the prevailing character in this part of the CCCA, harmfully interfering with the surroundings in which the Grade I listed church and locally listed department store building are experienced.
10. I therefore conclude that the appeal proposals would fail to conserve or enhance the character or appearance of the CCCA. They would also fail to preserve or enhance the setting of the Grade I Listed Church of St Stephens and the locally listed heritage asset in the immediate vicinity of the proposed hub and advertisement. Accordingly, the proposal would be contrary to Policy DM9 of the 2014 Norwich Local Plan Development Management Policies Plan (the DMPP). This policy requires all development to have regard to the historic environment and take account of the contribution heritage assets make to the character of an area and its sense of place.
11. In relation to Appeals A and B, the harm identified to the heritage significance of the CCCA and the listed and locally listed buildings would be less than substantial. I deal with what this means in term of national planning policy in the overall balance below. In overall, character and design terms, the proposed hub would also be contrary to Policy DM3 of the DMPP which says proposals should enhance and respond to the character and local distinctiveness of the area. Additionally, NPPF paragraph 135 which requires developments to function well and add to the overall quality of the area, and be sympathetic to local character and history, including the surrounding built environment. In relation to Appeal B, the proposed advertisement would invoke NPPF paragraph 141 which cautions that the quality and character of places can suffer when advertisements are poorly sited.

Highway Safety

12. The hub would be positioned within the pavement on the north side of Rampant Horse Street. It would leave a small gap to the carriageway kerb and a moderate gap of just under 4 metres to the edge of the former Debenhams building. From my observations, taken on a weekday afternoon, the main pedestrian flow is on the southern side of Rampant Horse Street and crossing diagonally to the west of the appeal proposal via the raised crossing table over the carriageway and into Brigg Street. The appeal proposal would not physically interfere with this flow.
13. In terms of the Local Highway Authority's (LHAs) resistance to the narrowing of footways, including in what is described as a designated 'walking zone', this is difficult to reconcile with the presence of the cycle stands a short distance to the east of the appeal proposal. These are in the same stretch of footway

outside the Debenhams building and result in a very similar narrowing effect for pedestrians as would arise from the position of the proposed hub. The LHA refer to their adopted guidance¹ and the potential risk of pedestrians stepping out into the highway to pass around the hub. Given the proximity of the nearby cycle stands this scenario is hard to envisage. Overall, given the specific circumstances described above, I do not consider the proposed hub would adversely affect the free-flowing movement of pedestrians using the footway on this part of Rampant Horse Street.

14. As set out above the proposed hub and digital advertisement display would be very close to a pedestrian crossing point. This crossing point comprises a raised table in the carriageway with some road markings and tactile paving. However, I would describe it as a low-profile feature which has clearly been positioned to pick up the desire line described above to and from the main pedestrianised area at Brigg Street. There are no crossing lights at this point or railings to restrain or channel the movement of pedestrians crossing of the carriageway, including children or those with impaired mobility or visibility. The arrangement clearly seeks to enable pedestrians to move as freely as possible across Rampant Horse Street.
15. The highway environment is well-lit and restricted to 20mph. Rampant Horse Street is not open to all traffic, it mainly serves buses and taxis as well as service vehicles. However, as a main thoroughfare there is a high frequency of buses and taxis. It is also open to cyclists, including the ability to gain some momentum on the downhill gradient approaching the crossing from the west. The data from the LHA for this appeal shows a number of serious accidents, including a fatality, on this part of Rampant Horse Street between 2019 and 2024. These appear to be mainly the consequence of conflicts between vehicles and other highway users (cyclists and pedestrians) arising from a number of factors. There is no one common theme. The fatality in December 2020 was an elderly pedestrian being struck by a bus.
16. The proposed hub due to its scale and forward position close to the carriageway at the crossing point would conceal pedestrians potentially seeking to cross from the visibility of oncoming vehicles and cyclists. Given the poor safety record in the immediate vicinity of the appeal proposal, I am concerned that a further impediment to visibility would expose pedestrians intending to cross at this location to an unacceptable degree of risk. Furthermore, vehicles and cyclists approaching the crossing point from the east would be potentially distracted by the large, illuminated advertisement display. Whilst I note the appellant says the advertisement would be illuminated to industry standards, as set out above, these types of displays are not features in this part of the highway. The proposed display would be prominently set forward of the existing retail frontage, making it, in combination with its size, a significant source of distraction for highway users. Again, given the poor accident record at this location, the position and size of the advertisement, so close to the crossing point, would be detrimental to highway safety.
17. Whilst I have found that the free-flowing movement of pedestrians on the footway directly outside of the former Debenhams store would not be unduly impeded, the scale and position of the proposed hub and the distracting qualities of the position and size of the proposed advertisement would

¹ Appendix 4 to LHA Appeal representations, extract from 'Safe, Sustainable Development'. (Norfolk County Council, Revised July 2022).

harmfully affect the ability for pedestrians to safely cross the carriageway in this part of Rampart Horse Street. Consequently, the proposal would be contrary to Policy DM30 of the DMPP which requires development within streets to ensure adequate clearance around the structure to allow for the safe passage of pedestrians and other users. The proposal would also conflict with NPPF paragraph 117c) which states that development proposals should create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles and avoid unnecessary street clutter.

Balance and Conclusion

18. As set out above, on the main issues, the appeal proposals would be contrary to the development plan. The starting point is that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan policies in this appeal are consistent with national planning policy and so substantial weight must be given to the harms and policy conflicts identified.
19. Furthermore, the proposals would result in less than substantial harm to the character and appearance of the CCCA and to the setting of the Grade I Church of St Stephens and the locally listed Marks and Spencer building. The NPPF at paragraph 212 states that great weight should be given to the asset's conservation, with the more important the asset, the greater the weight. This is irrespective of what the potential harm amounts to, including less than substantial harm. NPPF paragraph 213 states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 215 of the NPPF in relation to less than substantial harm says the harm should be weighed against the public benefits of the proposal.
20. There would be a public benefit in providing an accessible defibrillator, which has the support of the Community Heartbeart Trust charity. I attach significant weight to this social benefit, which may have life-saving consequences. The hub would also provide a telephone, wi-fi and USB connectivity, charging facilities, a touchscreen for wayfinding and accessing local webpages and CCTV abilities. I note the aims of the Norwich Customer Experience and Digital Strategy (2021-24) but in a vibrant city centre with various other wayfinding signage and multiple opportunities to charge devices, make phone calls and access information, I give limited weight to the social and economic benefits of these aspects of the appeal proposal. Cumulatively, these benefits would not be of sufficient weight to amount to material considerations that outweigh the identified conflict with the development plan.
21. Nor would they amount to public benefits that would outweigh the identified harm to heritage assets, which the NPPF at paragraph 202 states are an irreplaceable resource which should be conserved in a manner appropriate to their significance, so they can be enjoyed by existing and future generations.
22. I have had regard to all other matters raised but there is nothing that leads me to conclude other than the Appeals be dismissed for the reasons given.

David Spencer

Inspector.