



Appeal Decisions

Site visit made on 3 February 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal A Ref: APP/G2625/W/24/3348425

Pavement o/s Intu Chapelfield, St Stephens Street, Norwich NR1 3SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by JCDecaux against the decision of Norwich City Council.
 - The application Ref is 24/00315/F.
 - 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/24/3348426

Pavement o/s Intu Chapelfield, St Stephens Street, Norwich NR1 3SH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by JCDecaux against the decision of Norwich City Council.
 - The application Ref is 24/00318/A.
 - The advertisement proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. The appeals relate to the same site and proposals that are fundamentally linked and raise similar issues. Although the regimes of planning permission (Appeal A) and advertisement consent (Appeal B) differ, I have dealt with the appeals together. In the case of Appeal B, the Regulations require that decisions are made only in the interests of amenity and public safety. Accordingly, while I have taken account of the relevant development plan policies, they have not been decisive in my determination of Appeal B.

Main Issues

Appeal A

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area, including its effect on the significance of Norwich City Centre Conservation Area, and locally listed buildings and;
 - the effect of the proposal upon highway safety.

Appeal B

4. The main issues in this appeal are the effect of the proposed advertisements on amenity and public safety.

Reasons

Character, appearance and amenity

5. The appeal site is located within the City Centre Conservation Area ('CCCA'), a designation which includes much of the historic core of Norwich. The significance of the CCCA, insofar as it relates to these appeals, is derived from the historic street layout and the variety and number of historic buildings within the city centre. St Stephens Street is a major route into the city centre from the south-west and is a busy shopping street. It therefore has a commercial character and a mixture of built form of varying ages and design reflective of its status.
6. The appeal site itself is located within a part of the street predominated by modern buildings, including an indoor shopping centre. However, locally listed buildings at 28-32 and 48-54 St Stephens Street intersperse this more modern fabric, the former comprising three-storey brick-built retail buildings of traditional scale and character, and the latter a somewhat grander unit stated as formerly housing a Co-Op, and which includes a date of 1903 within its decorative corniced window surrounds. The significance of these buildings is derived from their evidential value illustrating the longstanding commercial nature of the street and its evolution over time, and in the case of 48-54 St Stephens Street, its scale and architectural quality. For these reasons, these buildings contribute positively to the significance of the CCCA.
7. The street exhibits many items of street furniture which would normally be found within a primary shopping area. These include lighting columns, bus stops, cycle racks, bins, signposts and existing freestanding advertisements. However, the footway is wide and does not appear as excessively cluttered in this particular location, with seating and planted areas located close to the footway edge.
8. The introduction of the hub and advertisement, which would be a substantial structure of over 2 metres in height, would contrast with this existing character, and being set towards the centre of the wide footway, would be conspicuous and incongruent.
9. Furthermore, although set beneath an existing canopy, it would nevertheless be situated within the setting of 48-54 St Stephens Street, and would detract from the status and significance of this building as a remnant of an earlier phase of retail development. While the interplay of the modern and historic forms part of the character of this part of the street and CCCA, the proposal, and in particular the large, illuminated advertisement, would jar as an overtly modern feature when viewed against this older building.
10. The locally listed buildings at 28-32 St Stephens Street are located further to the east, and the proposals would not feature within their setting, which already includes a variety of street furniture, including bus shelters, in comparison to the less cluttered immediate surroundings of the appeal site. Given the distance involved and the character of the surroundings of these buildings, the proposal would have a neutral effect on their setting.

11. Nevertheless, I conclude that the proposals would be harmful to the character and appearance of the area, and cause harm to the significance of CCCA. They would also fail to preserve the setting of a non-designated heritage asset. Having regard to the scale and nature of the proposed hub relative to the significance of the NCCA as a whole, the harm would be less than substantial. The proposal would conflict with Policies DM3 and DM9 of the Norwich Local Plan Development Management Policies Plan 2014 ('the DMPP'). Together, and among other factors, these policies require 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 enhance and respond to the overall quality of the area.
12. The National Planning Policy Framework ('the Framework') requires any less than substantial harm to heritage assets to be weighed against the public benefits of the proposal, which I will return to below.
13. I also conclude that the proposed advertisement would harm amenity and in doing so, it would conflict with the policies mentioned above.

Highway and public safety

14. As set out above St Stephen's Street is a busy shopping street within the city and contains a number of bus stops, which I saw were subject to frequent arrivals. Consequently, pedestrian activity in the area is high, with pedestrians moving along St Stephen's Street, entering and exiting the shopping centre, seeking to cross the road at an informal crossing point, or accessing or leaving bus stops. Additionally, there are bicycle racks, bins and areas of seating. Overall, this results in pedestrians, in potentially large numbers, moving in a variety of directions in the area around the appeal site.
15. Therefore, the location of the proposal away from the kerb edge and substantially into the footway area means that pedestrians would be required to deviate around a large and solid obstacle. In particular, it would restrict access to street seating, and although the footway is wide, the potential level of footfall, combined with the nature of the road as a busy bus route, means that any footway congestion and resultant overspill into the road at a crossing point would be likely to be hazardous. It is notable that some of the recorded accidents in the area around the appeal site since 2019 involved pedestrians and buses. Overall, the siting of the proposal would be harmful to pedestrian safety.
16. Although illuminated and located close to a busy crossing point, the proposal would not be inherently distracting to drivers, nor would it obscure visibility of the crossing. There are a number of other examples of illuminated advertising, either freestanding or incorporated into bus shelters in the immediate vicinity, and while the proposal would further increase these features, there is no substantive evidence before me to indicate that the current arrangement is harmfully distracting to drivers. In this context I consider it unlikely the siting of the proposal would be unacceptably harmful to highway safety with respect to drivers of vehicles.
17. Notwithstanding this, the proposal would nevertheless be harmful to the safety of pedestrians. It would conflict with DMPP Policy DM30 which states that development within spaces or streets that form part of the public realm will ensure that adequate clearance around the structure is available to allow the safe passage of pedestrians.

Balance and Conclusion

18. I have found that the proposals would result in less than substantial harm to the character and appearance of the CCCA, and the locally listed 48-54 St Stephens Street. Paragraph 212 of the Framework indicates that great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Harm to the significance of a designated heritage asset should also require a clear and convincing justification. The Framework also requires that such harm be weighed against any public benefits of the proposal.
19. Paragraph 119 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social wellbeing. The Framework also seeks to support the expansion of electronic communications networks. The proposed hub would incorporate a range of services including online access, phone calls, wayfinding and device charging. It would also form part of a wider network of apparatus providing efficient, reliable and free-to-use public services. There is also potential for the proposed interactive screen to be made available to the Council for public service messaging. The integrated defibrillator would provide important potentially lifesaving equipment.
20. These are all public benefits which count in favour of Appeal A. However, there is no evidence before me which would indicate that a less harmful site for the proposal could not be found which would deliver the same public benefits. I am also aware that there are other similar structures within the area that may provide some of the stated benefits. Taken together, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have found, and the considerable importance and weight that this carries. Nor would the public benefits outweigh the harm that would result to the significance of the non-designated heritage asset of 48-54 St Stephens Street.
21. Therefore, in respect of Appeal A, the proposal would harm the character and appearance of the area, including the significance of the CCCA, and the setting of non-designated heritage assets. It would also harm highway safety. It would conflict with the development as a whole, and there are no material considerations which would outweigh this conflict. In the case of Appeal B, the proposal would harm amenity and public safety.
22. For the reasons given, and having regard to all matters raised, I therefore conclude that both Appeal A and Appeal B should be dismissed.

C Harding

INSPECTOR