



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/24/3348423

Pavement o/s 12 St Stephens Street, Norwich NR1 3SA

- 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 24/00335/F.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
-

Appeal B Ref: APP/G2625/H/24/3348424

Pavement o/s 12 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 24/00336/A.
 - The advertisement proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
-

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 close to the junction of St Stephen Street and Surrey Street, and the proposals would be situated close to the footway edge, at a point close to a pedestrian crossing and a cycle parking area. A large metal litter bin currently occupies the appeal site and would be re-located to facilitate the proposals.
7. St Stephens Street is particularly wide and has an open character, however at the junction with Surrey Street it is framed by a collection of three-storey commercial buildings. The locally listed Marks and Spencer building is of particular significance with its assertive frontage featuring classical columns at first floor level establishing it as a landmark building within the street. When approached from the west, it forms part of an unfurling vista of historic buildings into the heart of the city and CCCA.
8. 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 and signposts. I also saw that there is an existing illuminated freestanding digital advertisement hub very close to the appeal site.
9. While the interplay of the modern and historic forms part of the character of this part of the street and CCCA, the proposal, at over 2 metres in height, and particularly the illuminated advertisement, would jar as a large and overtly modern and prominent feature when viewed in the context of nearby historic buildings, including the Marks and Spencer building, and the vista when looking along the street in an easterly direction. While I acknowledge the existing advertisement hub, rather than justify the proposal, the provision of a further illuminated digital advertisement hub would lead to a proliferation of such features in close proximity, which would together detract from the significance of this building and the character of the area.
10. The Council has made reference to the effect of the proposal upon locally listed buildings at 28-32 and 48-54 St Stephens Street, however there is only very limited evidence in relation to the effect of the proposal upon them. Given the distance between the appeal site and these buildings, the effect of the proposal would be neutral.
11. I conclude that the proposals would be harmful to the character and appearance of the area, and cause harm to the significance of the 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 CCCA 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, pedestrian activity in the area is high. The appeal site is located directly adjacent to a signal-controlled pedestrian crossing.
15. The proposal would be located close to the edge of the footway, between a traffic light and a cycle parking area. Although the footway is wide, it would be positioned such that it would require pedestrians to avoid it when approaching the pedestrian crossing from the east, and it would be located further into the footway than the existing bin.
16. Furthermore, the illuminated digital advert would be located close to, and behind existing traffic lights. While it is stated that the proposal would be illuminated to industry standard levels, given its height and proximity to the pelican crossing, it would represent a potentially significant distraction, to the detriment of highway and public safety.
17. The proposal be harmful to highway and public safety. 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 the passage of pedestrians and other users. It would also conflict with Paragraph 117 of the Framework which states that development proposals should create places that are safe, minimise the scope for conflicts between pedestrians, cyclists and vehicles and avoid unnecessary street clutter.

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 a locally listed building. 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 seek 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.
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