
Appeal Decision

Site visit made on 9 October 2017

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th November 2017

Appeal Ref: APP/N4720/W/17/3179073

O/S 14/15 Infirmary Street, Leeds LS1 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Leeds City Council.
 - The application Ref 17/01875/DTM, dated 22 March 2017, was refused by notice dated 12 May 2017.
 - The development proposed is the installation of a freestanding payphone kiosk on the pavement.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) for the installation of a freestanding payphone kiosk on the pavement at land at O/S 14/15 Infirmary Street, Leeds LS1 2JS in accordance with the terms of the application Ref 17/01875/DTM, dated 22 March 2017, and the plans submitted with it.

Procedural Matter

2. I have taken the description of the development as set out in the appeal form as this is a more accurate description than that on the application form.

Preliminary Matter

3. The proposal is for a payphone kiosk that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended). The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.

Main Issue

4. The main issue is the effect of the proposal on highway safety and the character and appearance of the area, including the Central Area – Leeds City Centre Conservation Area.

Reasons

Highway Safety

5. The proposed kiosk would be located within a large pedestrianised area. It would be positioned approximately 3.9m from the edge of the kerb with the adjacent road, Infirmary Street.
6. There are two pedestrian crossings to the west of the proposed site of the kiosk. The Council raise concern that the kiosk would obstruct the pedestrian desire line towards these crossings meaning that pedestrians would have to walk around it. However, the pedestrianised area is large with sufficient space for pedestrians to negotiate the kiosk without it significantly reducing the free-flow of pedestrian movements. Furthermore, there would be sufficient space between the kiosk and the kerb to ensure that pedestrians are not encouraged to step into the road when circumnavigating the kiosk. Moreover, given the distance of the kiosk from the road and due to the curve in the road I do not consider that it would unacceptably obscure drivers' views of pedestrians approaching the crossings.
7. I have had regard to the Council's proposed changes to the city centre transport strategy which are likely to result in changes to the junction of Infirmary Street and East Parade. However, there is no evidence before me regarding the status of these proposed changes and as such I can only attribute them limited weight.
8. The Council also confirm that the site is located within a draft Civic Space (Green Space). Policy SP3 of the Leeds Core Strategy (CS) 2014 seeks to enhance streets and create a network of open and green spaces to make the City Centre more attractive, family friendly and easier for people to use and in consolidating and enhancing sense of place. Furthermore, Policy G6 of the CS seeks to improve existing green space quality. Whilst I accept that the proposal would not enhance the street or improve the green space, neither would it result in any material harm to them. Therefore, its overall effect in this regard would be neutral.
9. Based on the evidence before me and the observations I made during my site visit, I find that the kiosk would not cause any significant harm to highway safety. As such, it would comply with saved Policy GP5 of the Leeds Unitary Development Plan Review (UDP) 2006, which, amongst other matters, seeks to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety. It would also comply with Policies SP3, G6 and T2 of the CS, which seek to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrian and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency of the highway network. It would also accord with the design objectives of the National Planning Policy Framework (the Framework).

Character and Appearance

10. The proposed kiosk would have a footprint of approximately 1.1m x 1.3m and a height of approximately 2.6m. It would have a black steel frame and clear polycarbonate toughened glass panels. One of the sides would be fully open and another half open to enable wheelchair access. As a result of its design, with simple framing and clear glass panels, the kiosk would appear lightweight.
11. There are various items of street furniture and structures in the vicinity of the site, including signs, waste bins, benches, utility boxes, street lights and traffic lights. In addition, there is a bus station a short distance to the east which comprises a number of bus shelters which have a similar lightweight design as the proposed.

12. The kiosk would evidently contribute to the existing items in the vicinity. However, the pedestrianised area is large and the existing items are well spaced out. The kiosk would be sufficient distance from other nearby furniture to ensure that it would not result in any significantly harmful visual clutter.
13. The Council state that there are external street café licenses in the area. However, at the time of my site visit, which was approximately midday on a week day, there were no tables and chairs along this stretch of the pavement.
14. The site is also located with the Central Area – Leeds City Centre Conservation Area (the CA). Whilst there are historical buildings on the opposite side of the road to the proposed kiosk, the immediate vicinity and the buildings to the rear of the pedestrianised area have a more contemporary appearance. The kiosk would be read in the context of the modern architecture rather than the historical buildings. I note that the Council confirms that there are draft plans being prepared to upgrade the local environment and landscaping. However, there is no evidence before me of what these plans would entail and based on the limited information before me there is no indication of when or if such plans would be implemented. Overall, the simple design of the kiosk would be in keeping with other street furniture and structures in the vicinity and would have a neutral effect on, and therefore preserve, the character and appearance of the CA.
15. I find therefore that the kiosk would not have any significantly harmful effect on the character and appearance of the area. As such, I find that it would comply with saved Policy GP5 of the UDP and Policies P10 and P11 of the CS which, amongst other matters, seek to ensure that development is of an appropriate design and ensure that the historic environment is conserved and enhanced. In addition, it would also accord with the design objectives of the Framework.

Other Matters

16. I have had regard to the concerns raised by the Leeds Civic Trust regarding need, vandalism and the motives of the applicant. However, the Order sets out that the only matters for consideration are siting and appearance. Accordingly, these matters have not had any bearing on my assessment of the appeal.
17. The Council have presented me with their Design Guide: Quality Public Realm in relation to Street Design – Liveable Streets – Streets for All People seeks to minimise street clutter to provide an integrated, easily navigated and simple space. However, the status of this document and its relationship to the development plan is not before me and therefore I can only attribute it limited weight. I have found that the proposal would not have any significant harm on highway safety or the character and appearance of the area and therefore I find no conflict with the development plan.

Conclusion

18. For the reasons given above, I find that the proposal is permitted development under Part 16 of the GPDO and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR