
Appeal Decisions

Site visit made on 12 March 2019

by Tim Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

All Appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeals are made by Maximus Networks Ltd against the decision of Sheffield City Council.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal A Ref: APP/J4423/W/18/3193155

Arundel Gate, adjacent Sheffield Business School, Sheffield S1 2PN

- The application Ref 17/02951/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal B Ref: APP/J4423/W/18/3193156

Arundel Gate Junction, Charles Street, Sheffield S1 2NB

- The application Ref 17/02916/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal C Ref: APP/J4423/W/18/3193181

3 Fitzalan Square, Sheffield S1 2AY

- The application Ref 17/02953/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal D Ref: APP/J4423/W/18/3193186

Opposite 46 Howard Street, Sheffield S1 2LX

- The application Ref 17/02949/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal E Ref: APP/J4423/W/18/3193191

Pond Street near junction with Surrey Lane, Sheffield S1 2LW

- The application Ref 17/02969/TEL, dated 10 July 2017, was refused by notice dated 21 August 2017.
 - The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.
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Appeal F Ref: APP/J4423/W/18/3193258

1-11 Arundel Gate, Sheffield S1 2PN

- The application Ref 17/02918/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal G Ref: APP/J4423/W/18/3193272

Adj 5 Commercial Street, Sheffield S1 2AT

- The application Ref 17/02956/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal H Ref: APP/J4423/W/18/3193289

2-4 Fitzalan Square, Sheffield S1 2AY

- The application Ref 17/02933/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal I Ref: APP/J4423/W/18/3193296

Harmer Lane, junction Sheaf Street, Sheffield S1 2BJ

- The application Ref 17/02941/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal J Ref: APP/J4423/W/18/3193304

Haymarket, junction near Castle Street, Sheffield S1 2AW

- The application Ref 17/02971/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal K Ref: APP/J4423/W/18/3193307

Adjacent to 17 Market Place, Sheffield S1 2GH

- The application Ref 17/02970/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
- The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.

Appeal L Ref: APP/J4423/W/18/3193311

Adjacent to Sheffield Hallam Active, Sheffield S1 2WB

- The application Ref 17/02947/TEL, dated 10 July 2017, was refused by notice dated 22 August 2017.
 - The development proposed is prior approval for siting and appearance: installation of a telephone kiosk.
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Decision

1. The appeals A, C, D, E, F, G, H, I, J, K and L are dismissed.
2. Appeal B is allowed subject to the standard conditions contained in Parts A.2 and A.3 of Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and following additional condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250 and Site Plan 1:200; and Photograph showing proposed position of phone kiosk marked

'X'; Maximus Networks Ltd – Telephone Kiosk Design; Drawing containing Plan, Roof Plan, Front Elevation, Side Elevation and Rear Elevation.

Procedural Matters

3. In Part E of each appeal form the description of development has been varied from that used in the application. The form of words used on the appeal form better describes the development, so I have used that in the banner heading at the start of this document.
4. Each appeal is accompanied by a letter stating that when the applications were made to the Council, no notice was served on the Council as landowner, as required under the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GDPO). The Secretary of State has discretion to entertain appeals in such circumstances under Section 79 of the Town and Country Planning Act 1990 (as amended). The appellant served the necessary notices on the Council on 19 December 2017 and the appeals have proceeded on the basis that the requirements of the GDPO have been satisfied.
5. The parties were invited to make comments on the High Court Judgment dated 5 February 2019, Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin) (the Westminster Judgment). The appellant's response is that there are material differences between the cases forming the subject of the High Court decision and those in the appeals. The appellant states that the sole purpose and subject of the proposals is for the provision of electronic communications and no other purpose. The appellant has provided Counsel opinion in relation to the matter, and also further technical detail on the specification of the kiosk.
6. The Council considers the Westminster Judgment to have relevance to the appeals and wish me to take the matter into account in my decision. The Council has supplied me with a copy of the Westminster Judgment together with an accompanying note, although in the case of the note I am not aware of its authorship.
7. On the available evidence, and having considered Counsel's opinion, I consider that the proposed kiosks can be distinguished from those forming the subject of the Westminster Judgment. The proposals therefore fall within the scope of Schedule 2, Part 16 of the GDPO.
8. Without prejudice to any other proceedings I have approached my decisions on the basis of the effect of the proposed kiosk structure on each locale. I have not based my decisions on any assumption that a kiosk could at some future point in time potentially be used for the display of an advertisement under Class 16 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Main Issues

9. The main issues in all the appeals are the effect of the proposed telephone kiosks on the character and appearance of the locations proposed; in the case of appeals A, B, C, D, E, F, H, J and L the effect on the flow and safety of pedestrians is also a consideration.

10. Where relevant, as identified for each appeal below, the main issues also include the effect of the proposed telephone kiosks on designated heritage assets.

Reasons

11. The appeals are accompanied by information including the following documents, in addition to statements of case:
- A copy of the direction under section 106(3) of the Communications Act 2003 to confirm that the Code applies to the appellant company.
 - A copy of the appellant company's application for Code Powers.
 - Photos showing the type of kiosk in two London locations.
 - Copies of two appeal decisions¹, where approval has been granted for the installation of two phone kiosks.
 - Copy of the High Court decision *Infocus Public Networks Ltd v The Secretary of State for Communities and Local Government and the Mayor and Commonality of the citizens of London*, case no. CO/4347/2010. In summary, the decision is relevant to the appeals in that, at the time, it confirmed the principle that the advertising content which can be displayed on the kiosk should not be regarded as a strong determinant of the acceptability of proposals.
 - Copy of the court of appeal decision *David Sidney Murrell, Christina Ruth Murrell the Secretary of state for Communities and Local Government, Broadland District council*, case no. C1/2010/0934. In summary, the decision confirms that where development is permitted by the Order, the principle of the development is not at issue and should be limited to the matters of siting and appearance.
 - A 'highways dashboard' to for each site, providing information on highway matters including the width of footway; minimum clear footway width; a 'primary test' relating to the Transport for London Pedestrian Comfort Guidance 2015; a secondary test showing the minimum footway clear zone (Transport for London Streetscape Guidance 2017) and 'tertiary test' of the evidence to show no worsening and a conclusion on the sites suitability for the proposed kiosk.
 - Copies of the relevant development plan policies.
 - The Transport for London pedestrian comfort level guidance first edition 2010 (the TFL guidance).
 - The Transport for London Streetscape Guidance Third Edition 2017 Revision I.
 - A response to the Council's statement, which in most cases comprise the decision notice and planning officer report.
12. In each case the Council has provided the following additional information:

¹ APP/X5210/A/12/2178982 Pavement outside 105 Tottenham Court Road, London, granted 24 October 2012
APPX5990/A/12/2187244 Pavement outside 348 Harrow Road London, granted 13 May 2013

- A note informing the Inspectorate that the Council has received 84 applications for approval of the siting and appearance of telephone kiosks since January 2017. The note states, amongst other things, that 38 appeals have been dismissed, three have been allowed and 41 have not yet been determined. Attention is drawn to a statement in the original notification that the structure of the kiosk would permit clear through views and it is on this basis that the Council recommends that a planning condition should be attached to control the insertion of adverts in the kiosk, should the appeal be granted. The Council also considers that any approved kiosks should be removed if they cease to function.
 - A copy of the appeal decision dated 11 January 2018 relating to four notifications for prior approval – APP/J4423/W/17/3183039; 3183041; 3183044; 3183045. In all cases the appeals were dismissed.
 - A copy of the appeal decision dated 10 of January 2018 relating to eight notifications for prior approval-APP/J4423/W17/3183033; 3183035;3183036;3183037; 3183042;3183047;3183048. In all cases the appeals were dismissed.
 - Maps to show the location of previous and existing proposals for kiosks, and their planning status, as at 26 October 2018.
 - An Urban Design Compendium adopted in 2004.
13. The parties disagree over the appropriateness of the kiosk design. I accept that attitudes to the design are subjective, however my view is that the style is essentially modern and consequently may not be appropriate in the most sensitive locations close to designated heritage assets. However, in less sensitive locations within the city centre I see nothing inherently unsatisfactory about the kiosk design and note that it has some advantages over a traditional phone kiosk such as enabling use by wheelchair users.
14. All of the sites are located within the eastern part of the city centre and in some cases within the area occupied mainly by Sheffield Hallam University (SHU). All involve the siting of the kiosks within the public footpath and in all cases they would be technically possible without causing actual obstruction to pedestrian movement. There would however be some effects on pedestrian flow and thereby the convenience and safety of shoppers and other users of buildings and facilities in the city centre.
15. In the locations that are within either the City Centre Conservation Area or the Cultural Industries Quarter Conservation Area I have applied the requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In the case of those locations which are in proximity to listed buildings I have had special regard to the duty under Section 66(1) of the Act to consider whether the of approval of the development would preserve the building or its setting or any features of special architectural or historic interest which it possesses.

Appeal A -3193155 - Arundel Gate, Sheffield S1 2PN

Character and Appearance

16. The kiosk would be located adjacent to the Stoddart Building, part of Sheffield Hallam University (SHU). The location is on the edge of an attractive area of public realm works at Howard Street, where there are trees, artworks and attractively designed hard landscaping. The raised planting bed against which the kiosk would be located complements these works. There is a significant amount of existing street furniture in the area including bus stands but none within the immediate surroundings of the proposal. In the location, the proposed kiosk would appear as an obtrusive and unplanned feature which would disrupt the design of the public realm works. The Council considers that it would also harm. I attach limited weight to the views of the artwork on the gable of the nearby property on Howard Street as the artwork can be appreciated from many locations in the area of which the proposal location is only one.
17. The site is located in the Cultural Industries Quarter Conservation Area (CACA). The significance of the conservation area in part relates to its relationship to former metal trades which were housed in small scale workshops, and the surviving built evidence of industrial activity. The proposal, although relatively small in scale compared with surrounding buildings, would cause harm to the character and appearance of the area due its position at one of the entry points to the CACA and would therefore affect significance. I assess the level of this harm to be less than substantial in the terms of the Framework. It is also located within an Industrial Business Area.
18. I have found less than substantial harm to a designated heritage asset. I have considered whether this harm would be outweighed by the public benefits of the proposal. The appellant points to the Framework² to support an argument that there would be sufficient public benefits to outweigh the assessed harm. I have very limited evidence before me to demonstrate the need for the kiosk installation and the Framework states that need should not form any part of the assessment of such applications. In any event the Framework is clear that great weight should be given to the conservation of heritage assets and therefore I see no basis for concluding that the less than substantial harm would be outweighed by any public benefit arising from the operation of the kiosks.

Pedestrian Flow

19. I consider that the proposal would not impact on the capacity of the section of footway nor compromise pedestrian safety. However, it would be sited within the part of the pavement where the main pedestrian desire line presently lies. I have considered whether the disruption would compromise pedestrian safety, however while the kiosk would narrow the footway, reasonable space would be retained to allow pedestrian movement.

Conclusion

20. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10, BE16 and IB9 of the

² National Planning Policy Framework 2019 paragraph 116

Sheffield Unitary Development Plan³ (SUDP) and Policies CS61 and CS74 of the Sheffield Development Framework Core Strategy⁴ (SCS) which, amongst other things seek to ensure that open areas are attractive, coordinated and useable, minimise conflict between pedestrians and cyclists and provide for comfortable pedestrian movement, be appropriate to the site and enhance the city, and protect character and appearance.

Appeal B – 3193156- Arundel Gate Junction, Charles Street, Sheffield S1 2NB

Character and Appearance

21. The kiosk would be sited on the pavement on Arundel Gate, close to the junction with Charles Street. The site is near to the entrance to a casino and a taxi rank. The pavement is wide, although the site is at a point where the width narrows, and there is little street furniture. There is a light controlled pedestrian crossing on Arundel Gate.
22. I have considered whether the design of the kiosk would contrast rather than blend with the palette of materials in the area and would therefore appear dominant and detract from character and appearance and views along the street.
23. However, viewed in the context of the modern architecture of the casino building, and the expansive character of the street, the kiosk would not appear unduly incongruous or obtrusive in the street scene and would not add to existing clutter of street furniture.

Pedestrian Flow

24. The total pavement width at the point where the kiosk would be sited is 4.6m based on the evidence before me, would exceed the Transport for London Guidance recommended as the minimum to allow comfortable movement plus a large item of street furniture.
25. I acknowledge that the location of the kiosk is close to the entrance to the casino where pedestrian flows may be higher in the evening. However for the reasons given above I consider that the location of the kiosk would not cause unacceptable inconvenience to pedestrians or pose a risk to pedestrian safety.

Conditions

26. The Council has requested that planning conditions be attached preventing the display of any advertisements to any face of the kiosk and the removal of the kiosk if the apparatus no longer functions. With regard to advertisements, as per my comments at paragraph 8 of the decision, I do not consider the merits of any advertisement as part of the proposal and accordingly to not attach a condition as suggested. The requirement to remove the apparatus should it cease to function is a standard condition of the GDPO, as is commencement within 5 years of the date of the approval, therefore they are not necessary. For certainty I attach a condition specifying the plans which accompanied the application for prior approval of the proposed development.

³ Adopted March 1998

⁴ Adopted March 2009

Conclusion

27. The siting and appearance of the proposal would not harm the character and appearance of the area, or cause unnecessary obstruction to the detriment of pedestrian flow. It would comply with Policies S10, BE10, and BE16 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, minimise conflict between pedestrians and cyclists and provide for comfortable pedestrian movement, be appropriate to the site and enhance the city.

Appeal C – 3193181 - 3 Fitzalan Square, Sheffield S1 2AY

Character and Appearance

28. At the time of my site visit Fitzalan Square was subject to extensive improvement works, however I noted the presence of the King Edward VII statue and the attractive façade of the former Post Office, both of which are Listed. Another building in the Square is Listed, the White Building. Despite the presence of large areas of highway I have no doubt that the square is an important civic space within the city centre, although not within the conservation area.
29. The kiosk would be sited within an area of pavement close to the junction with Commercial Street and bus stops. There are currently some other items of street furniture of this side of the Square, including advertising panels, cashpoint machine and telephone kiosks.
30. The kiosk would appear obtrusive given its location close to the entrance to the Square, and would add a further element to the clutter of street furniture, and would cause harm to the character and appearance of the area. However, although in close proximity to the King Edward VII statue, given the presence of other items of street furniture the proposal would have a neutral effect on the setting of this and the other listed buildings within the Square.

Pedestrian Flow

31. The section of footway is wide and sufficient unobstructed width would be retained to ensure that pedestrian flow would not be obstructed, and safety would not be compromised.

Conclusion

32. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10, BE19 and S10 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, minimise conflict between pedestrians and cyclists and provide for comfortable pedestrian movement, protect the setting of listed buildings, be appropriate to the site and enhance the city.

Appeal D – 3193186 - Opposite 46 Howard Street, Sheffield S1 2LX

Character and Appearance

33. The kiosk would be located within an attractive area of public realm works at Howard Street, where there are trees, and well designed hard landscaping works and two well used rows of cycle stands. There is an existing phone kiosk

and cash dispenser, which the proposal would be sited immediately next to. In this location, the proposal would appear obtrusive, in part due to its cumulative impact with the existing installation, nearby bike stands and other street furniture, and would disrupt the design of the public realm works.

Pedestrian Flow

34. A substantial width of paved area would be retained to one side of the kiosk. On the other, although the footway width would be reduced, the proposal would have no greater effect than the existing kiosk/cash dispenser. Some minor inconvenience could be caused to users of the bike stands. The proposal would not impact on the capacity of the section of footway or compromise pedestrian safety.

Conclusion

35. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and LR5 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable and appropriate to the site and enhance the City.

Appeal E – 3193191 -Pond Street near junction with Surrey Lane, Sheffield S1 2LW

Character and Appearance

36. The kiosk would be located within the pavement on Pond Street, close to its junction with Surrey Lane and a public house. The road and pavement bends to the left when facing in a downhill direction, towards SHU buildings and a bus station. On the inside of the pavement is an attractive landscape strip containing some trees. There are a few other items of street furniture within the pavement including a lamp post and some road signs. The proposed location is just outside the Cultural Industries Quarter Conservation Area. The public house (The Howard) is a Grade II Listed Building. In this location the kiosk would appear as an obtrusive and incongruous feature.
37. I have considered whether there would be harm to the character and appearance of the conservation area and setting of the nearby listed building, however these matters were not included in the Council's reasons for refusal. I consider that the effect on both these designated assets would be neutral.

Pedestrian Flow

38. I have considered whether the kiosk would obstruct pedestrian flow and harm pedestrian safety. The pavement width is 4.6m and the proposal would not result in a material impact on the section of footway or compromise pedestrian safety.

Conclusion

39. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and CF8 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that development is of a high quality, appropriate to the site and enhances the distinctive character of the city.

Appeal F – 3193258 - 1-11 Arundel Gate, Sheffield S1 2PN

Character and Appearance

40. The kiosk would be located within the pavement by 1- 11 Arundel Gate, a SHU building. The site is within the Central Shopping Area. The SHU building partly over-sails the footway, and the kiosk would be located alongside a supporting pillar. There is little other street furniture in the section of footway close to the site. Although the buildings are modern and large in scale, the kiosk would appear as an incongruous and obtrusive addition to the street scene.

Pedestrian Flow

41. The section of footway is wide and sufficient unobstructed width would be retained to ensure that pedestrian flow would not be obstructed, and safety would not be compromised.

Conclusion

42. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and S10 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that development is of a high quality, appropriate to the site and enhances the distinctive character of the city.

Appeal G – 3193272 - Adjacent to 5 Commercial Street, Sheffield S1 2AT

Character and appearance

43. The kiosk would be sited within a wide section of footway on Commercial Street, close to its junction with Fitzalan Square, within the Central Shopping Area. The former Yorkshire Bank and Sheffield United Gas Light Company Offices on the opposite side of Commercial Street are Listed. Given the intervening space of the street, the impact on the setting of these listed buildings would be neutral. The kiosk would lie close to a modern building which over sails the footpath. There is an absence of street furniture in this section of the street, consequently the proposed kiosk would appear incongruous and obtrusive.

Pedestrian Flow

44. The proposal would not give rise to any significant obstruction to pedestrians.

Conclusion

45. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and S10 of the SUDP and Policies Cs61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, appropriate to the site and enhance the city.

Appeal H – 3193289 - 2-4 Fitzalan Square, Sheffield S1 2AY

Character and appearance

46. As noted above Fitzalan Square is subject to extensive improvement works at the current time, however I noted the presence of listed buildings – the Statue of King Edward VII, former Head Post Office and The White Building and have no doubt that the square is an important civic space within the city centre.
47. The kiosk would be sited within an area of pavement close to the junction with High Street, at an important entrance to the Square. There are currently no other items of fixed street furniture on this side of the Square. The kiosk would therefore appear obtrusive given its location close to the entrance to the Square, and would cause harm to the character and appearance of the area, including the setting of the listed buildings. The harm to the setting these designated heritage assets would be less than substantial but adverse in terms of significance.
48. I have considered whether this harm would be outweighed by the public benefits of the proposal. The appellant points to the Framework to support an argument that there would be sufficient public benefits to outweigh the assessed harm. I have very limited evidence before me to demonstrate the need for the kiosk installation and the Framework states that need should not form any part of the assessment of such applications. In any event the Framework is clear that great weight should be given to the conservation of heritage assets and therefore I see no basis for concluding that the less than substantial harm would be outweighed by any public benefit arising from the operation of the kiosks.

Pedestrian Flow

49. I have considered whether the kiosk would obstruct pedestrian safety. An unobstructed width of 2.4m would remain, in an area where pedestrian flows are estimated to be 'active'. I therefore consider that the proposed siting of the kiosk would result in a material narrowing of the useable footway. This could cause obstruction and could in some circumstances encourage pedestrians to step into the carriageway, compromising safety.

Conclusion

50. The siting of the proposal would harm the character and appearance of the area and would cause obstruction and potential risk to safety. It would therefore not comply with Policies BE10, BE19 and S10 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, minimise conflict between pedestrians and cyclists and provide for comfortable pedestrian movement. Proposals should also protect the setting of listed buildings, be appropriate to the site and enhance the distinctive character of the city.

Appeal I – 3193296 - Harmer Lane, junction Sheaf Street, Sheffield S1 2BJ

Character and appearance

51. The kiosk would be located on a section of pavement to the front of an attractive, modern office building with a curved, mainly glazed frontage. There is an attractive landscaping bed and some young trees set into the pavement. Into this setting the kiosk would be an incongruous and obtrusive feature. There is very little other street furniture in the vicinity and I do not consider that the kiosk would result in clutter. On the opposite side of Harmer Lane is an area of open space and the site is within an area identified as open space in the SUDP.

Pedestrian Flow

52. There would be no significant obstruction to pedestrians and safety would not be compromised.

Conclusion

53. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and LR5 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that development is of a high quality, appropriate to the site and enhances the distinctive character of the city.

Appeal J – 3193304 -Haymarket, junction near Castle Street, Sheffield S1 2AW

Character and appearance

54. The kiosk would be located on an area of pavement situated within Haymarket, a busy shopping street. The site is within the Central Shopping Area. The kiosk would be located close to an existing kiosk/cash dispenser. In this location, the proposed kiosk would appear as an obtrusive, in part due to its cumulative impact with the existing installation, and would cause harm to the character and appearance of the area.

Pedestrian Flow

55. The footway is wide and a significant width of unobstructed footway would be retained. I observed that there was a desire line for pedestrians to cross Haymarket in the vicinity of the proposed location, however I am satisfied that sufficient space would be retained to allow convenient and safe pedestrian movement.

Conclusion

56. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and S10 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, seek to ensure that development is of a high quality, appropriate to the site and enhances the distinctive character of the city.

Appeal K – 3193307- Adjacent to 17 Market Place, Sheffield S1 2GH

Character and appearance

57. The kiosk would be sited in a wide section of pavement within the Central Area, in effect within the area known as Castle Square. The proposed kiosk would sit alongside an existing phone kiosk. There are other items of street furniture close by, including lamp posts and a free standing advertising panel. The addition of a further kiosk would therefore give rise to unacceptable visual clutter, which would be exacerbated by the variation in the design of kiosks.

Pedestrian Flow

58. There would be no significant obstruction to pedestrians and safety would not be compromised.

Conclusion

59. The siting of the proposal would harm the character and appearance of the area. It would therefore not comply with Policies BE10 and S10 of the SUDP and Policies CS61 and CS74 of the SCS which, amongst other things, seek to ensure that open areas are attractive, coordinated and useable, seek to ensure that development is of a high quality, appropriate to the site and enhances the distinctive character of the city.

Appeal L – 3193311 -Adjacent to Sheffield Hallam Active, Sheffield S1 2BW

Character and appearance

60. The proposed site is located on pavement to the front of the Sheffield Active gym building, part of SHU, and close to the bus station and at the junction of Pond Lane and Harmer Lane. The site is within an Education area as defined in the SUDP. There is little street furniture in the vicinity, other than lamp posts and a bus stand a short distance away. In terms of the visual appearance of the area, the proposed kiosk would have only a minor impact, although it would be prominent due to the absence of other structures on the section of footway immediately to the front of the SHU building.

Pedestrian Flow

61. The kiosk would be located within an area of footpath where pedestrian flows are likely to be high at peak times, due to its position on a route between the City Centre and SHU area and the bus station. It is also close to the entrance to Sheffield Active which at peak time will add to pedestrian use of the area of pavement. An unobstructed footpath width of 2.3m would be retained, however, the proposed position of the kiosk gives rise to concerns that it could obstruct pedestrians and compromise safety. It would increase the risk of pedestrians returning to the bus station crossing the carriageway and across the junction, where buses and other vehicles may be turning.

Conclusion

62. The siting of the kiosk would not cause unacceptable harm to the character and appearance of the area, and in this respect would not conflict with policies BE10 and CF8 of the SUDP, or policies CS61 and CS74 of the SCS.

63. However it would disrupt the flow of pedestrians to the detriment of safety and would conflict with Policy BE10 of the UDP and CS61 of the Core Strategy which, amongst other things, seek to maximise the convenience and safety of pedestrians and minimise conflict between pedestrians and traffic.

Conclusions

64. For the reasons given, appeal A, C, D, E, F, G, H, I ,J, K and L are dismissed and appeal B is allowed.

Tim Wheeler

INSPECTOR