



Appeal Decision

Site visit made on 26 May 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/N4720/W/20/3244970

Outside Entrance to Trinity Shopping Centre, 27 Albion Street, Leeds LS1 6HX

- The appeal is 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 appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decision of Leeds City Council.
 - The application Ref 19/03220/DTM, dated 20 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area; and
 - ii) The pedestrian environment.

Reasons

Character and appearance

5. The appeal site is in a pedestrianised street near to the glazed skyway above the entrance to Trinity Leeds, which is a primary city centre shopping area. At

this point, Albion Street is relatively narrow and enclosed by tall commercial buildings. The street is uniformly paved, with footways and street furniture to either side. The appeal site is near to the boundary of the Leeds City Centre Conservation Area (the CA) which extends along the nearby Boar Lane and includes much of the commercial centre of the City.

6. The proposal (the kiosk) would be sited approximately 3m from the nearest building elevation. It would not be seen in the context of similar kiosks or information boards elsewhere in the area. It would be inserted into the line of street furniture that includes widely spaced items including bollards, cycle stands, seating areas and waste bins. In contrast to the low level and sparse street furniture, the kiosk would be noticeably tall and solid. It would be a visually obtrusive feature that would be out of scale and not in keeping with the coherent scheme of street furniture. Consequently, it would disrupt the consistency and uniformity of the public realm.
7. Where proposals affect conservation areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. By virtue of its size, design and siting, the kiosk would be prominent in views of the CA looking along Albion Street towards Boar Lane. Notwithstanding the immediate context, the contemporary kiosk would nevertheless be discordant in the long views and in juxtaposition with the traditional historic building facades of the nearby CA.
8. However, although the kiosk would be detrimental to the setting of the CA, the effect would be less than substantial in the context of the CA as a whole. Nevertheless, the Framework advises that where proposals would result in less than substantial harm to a designated heritage asset, that harm must be weighed against the public benefits of the proposal. In this regard, the kiosk would contribute to the telecommunications network in the area and it would be accessible to wheelchair and mobility vehicle users. However, these would be small benefits that would not outweigh the harm to the setting of the CA.
9. Therefore, the proposal would harm the character and appearance of the area, including the street scene and the setting of the CA. As such, and although they are not determinative, the proposal would conflict with Policies GP5 of the Leeds Unitary Development Plan Review 2006 (the UDP) and P10 and P11 of the Leeds City Council Core Strategy Adopted November 2014. These require that development, among other things, is of good design, that it contributes positively to place making and conserves and enhances the historic environment. It would also conflict with the historic environment policies in the Framework.

Pedestrian environment

10. As a result of its location between Boar Lane and The Headrow in the commercial centre of the city, Albion Street will experience significantly high levels of footfall. The kiosk would be sited in the footway to the front of active retail frontages, in close proximity to a fire exit door and near to the entrance to the Trinity shopping area. It would be between a cycle stand and a seating area.
11. My visit coincided with the easing of the coronavirus pandemic lockdown restrictions, but in advance of the full re-opening of non-essential shops.

Therefore, the area would have been less busy than would be expected under normal circumstances. Nevertheless, there was a reasonable number of people active in the area and I was able to observe patterns of pedestrian movement.

12. The nearby seating area will encourage people to linger and congregate in this area. The kiosk would therefore be an additional obstacle in an area that will already attract higher numbers of pedestrians, wheelchairs, pushchairs and bicycles than the more open parts of the street. The associated reduction in the width of the footway would prevent people from moving freely through the area and it would obstruct pedestrian desire lines. Moreover, in contrast to the low level street furniture, the kiosk would be a tall and solid feature that would obstruct views along the street. Consequently, the proposal would result in an increase in congestion and risk of conflict in this area.
13. Furthermore, the proposed siting of the kiosk to the front of a fire exit serving a large shopping centre would be likely to impede people attempting to exit the nearby building in an emergency. Accordingly, the increase in street clutter arising from the proposal would not contribute to the creation of a safe place that minimises the scope for conflict between pedestrians and other users of the highway.
14. Therefore, the proposal would obstruct the footway and it would harm the pedestrian environment, with particular regard to convenience and safety. Although not determinative in this appeal, it would conflict with the aims of Policy T2 of the UDP in relation to safe and secure access for pedestrians, cyclists and people with impaired mobility. It would also conflict with policies in the Framework that relate to safe and accessible places and high quality public space that encourages active and continual use.

Conclusions

15. For the reasons set out above, I conclude that, due to its siting and appearance, the proposed kiosk would harm the character and appearance of the area and it would harm the pedestrian environment. The appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR