



Appeal Decision

Site visit made on 31 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2022

Appeal Ref: APP/J4423/W/21/3286663

Pavement outside New Zing Vaa, 834 Ecclesall Road, Sheffield S11 8TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by BT Telecommunications PLC against the decision of Sheffield City Council.
 - The application Ref 21/02494/FULTEL, dated 17 May 2021, was refused by notice dated 23 September 2021.
 - The development proposed is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From the information provided, it would appear that when submitted to the Council, one application was made for planning permission and advertisement consent, but two decision notices were issued by the Council, one for the Street Hub, and one for the advertisements. Both were refused by the Council, but I am in receipt of only one appeal, for the combined application, but the appellants Statement of Case refers to two applications as two appeals.
3. However, only being in receipt of one appeal form means I can only deal with the joint application (the planning reference appealed). The Council raised no objection with regard to the advertisement aspect, and I have no reason to dispute that finding, I will not address the matter any further in my report.

Main Issue

4. In light of the above, I consider the main issue in this appeal to be the effect of the development on pedestrian safety.

Reasons

5. The appeal proposal relates to the provision of a BT Street Hub, to be located on the pavement adjacent the above premises. From the precise measurements supplied, it would be 1236mm wide, 350mm in depth and 2980mm high, with a footprint of 0.42 square metres. It would be constructed of galvanised steel with a powder coated aluminium exterior coloured black.

6. Two existing BT payphones located nearby would be removed as part of the proposals. An application for a Street Hub was approved previously but was never implemented. The revised proposal is between 346mm and 446mm wider than the original approval which was of a different design.
7. The proposed unit would be sited approximately 0.5m from the edge of the Ecclesall Road highway and 3.3m from the front of the business. However, I am informed by the evidence of the Council a section of this 3.3m gap to the front of the takeaway is a forecourt that is not part of highway land and could be built on or otherwise occupied at some point in the future.
8. Whilst the space is physically available to move past the Street Hub, this cannot be guaranteed in the future, and the space that would remain would be too narrow to allow unimpeded access past the hub for the safe passage of all pedestrians.
9. The appellant is aware of this and has offered to move the Street Hub in the future if there is a change in circumstances from the forecourt. Nonetheless, site circumstances the amount of movement required could potentially be considerable and it calls into question the nature of any potential approval, as the context of any potential new site may well be different from the current proposal.
10. As a result, I cannot be convinced that any Street Hub could be erected and maintained in position whilst there remains the possibility it could cause issues for the safe passage of pedestrians in the future.
11. As a result, I find conflict with saved policy BE10 of the Sheffield Unitary Development Plan and policies CS61 and CS74 of the Sheffield Development Framework Core Strategy (2009) which collectively, amongst other matters, expect development to be convenient and safe to use for people with disabilities, elderly people, young people, and people with young children.

Conclusion

12. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR