



Appeal Decisions

Site visit made on 20 October 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal A Ref: APP/J4423/W/21/3288136

Pavement outside number 47 Fargate, Sheffield S1 2HD

- 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 Mr Martin Stephens, on behalf of JCDecaux UK Limited, against the decision of Sheffield City Council.
 - The application Ref 21/03284/FULTEL, dated 20 July 2021, was refused by notice dated 23 November 2021.
 - The development proposed is removal of telephone kiosk and erection of 1x Street Hub.
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Appeal B Ref: APP/J4423/H/21/3288138

Pavement outside number 47 Fargate, Sheffield S1 2HD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Limited against the decision of Sheffield City Council.
 - The application Ref 21/03285/HOARD, dated 20 July 2021, was refused by notice dated 23 November 2021.
 - The advertisement proposed is digital LCD display screen to Street Hub unit.
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Decision

1. Appeal A is allowed and planning permission is granted for removal of telephone kiosk and erection of 1x Street Hub at pavement outside number 47 Fargate, Sheffield S1 2HD in accordance with the terms of the application, Ref 21/03284/FULTEL, dated 20 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

JCD 3 Rev A 23.09.21

A01657 (1:1250 @ A4 location plan and 1:200 @ A4 site plan only)
2. Appeal B is allowed and express consent is granted for the display of the digital LCD display screen to Street Hub unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 cd/m² and no moving or flashing images shall be displayed at any time.

Preliminary Matters

3. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.
4. In the banner headings and formal decisions for both appeals I have referred to the description of the development used by the Council in their respective decision notices. These describe the proposed development and advertisement component parts more precisely than that given on the application form.

Main Issues

5. The main issue in respect of Appeal A is the effect of the proposed development on the character and appearance of the area, including the City Centre Conservation Area (CA) and the setting of the Grade II listed building at 49-63 Fargate. The main issue in respect of Appeal B is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

6. The appeal site is within a pedestrianised area, close to the junction of Fargate and Norfolk Row and opposite 49-63 Fargate, a Grade II listed building. It is within the central shopping area and located centrally within the CA. The immediate area is characterised by busy pedestrianised spaces. The street is lined with retail uses at ground floor and enclosed by buildings of a predominantly commercial nature and scale. Based on the evidence before me, the significance of the CA in this area and the setting of the listed building is derived from its busy commercial character and its collection of historic buildings and vistas. Notwithstanding this, the ground floors of many buildings appear to have been altered over time and are typically comparatively modern.
7. I observed on my site visit there are a number of digital advertisement displays along Fargate and neighbouring streets. In the immediate vicinity of the site, there are also various forms of street furniture including bollards, bins, benches and streetlights, as well as a row of street trees.
8. The proposal is similar in size to the telephone kiosk it would replace, albeit would be somewhat more prominent in the street scene due to its more solid form and large illuminated advertisement. However, the site is located toward the edge of the street, close to the existing shop fronts and street furniture. In this context, and with the backdrop of other advertisements further along the street, the proposal would be in keeping with the character and appearance of the street and would not appear incongruous or unduly obtrusive.
9. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving a listed building or its setting. Section 72(1) of the Act requires special attention be given to the desirability of preserving or enhancing the character or appearance of conservation areas. I have found that the proposal would be in keeping with the character and appearance of the street. It would not unduly interrupt views of the CA or the listed building, nor would it have a harmful effect on how either is experienced. Consequently, the proposal would have a neutral effect on the CA and the setting of the listed building. It would

therefore preserve their character, appearance and setting, in accordance with the clear expectations of statute in this respect.

10. In respect of Appeal A, I conclude that the proposed development would not harm the character and appearance of the area, including the City Centre Conservation Area and the setting of the Grade II listed building at 49-63 Fargate. It is therefore in accordance with Policies BE10, BE11 and S10 of the Sheffield Unitary Development Plan, adopted March 1998. These policies, amongst other things, seek to ensure the design of streets and public spaces creates attractive and welcoming open areas, development in Fargate respects the character of the area and development in shopping areas are well designed and of a scale and nature appropriate to the site. The proposal also accords with Policies CS61 and CS74 of the Sheffield Development Framework Core Strategy, Adopted March 2009, which seek to ensure a high-quality pedestrian environment in Fargate and that developments respect, take advantage of and enhance the distinctive features of the city, amongst other things.
11. I have also found no conflict with paragraphs 112, 114, 130 and 136 of the National Planning Policy Framework (the Framework), in respect of their aims of creating attractive spaces for pedestrians, supporting high quality communications and achieving well designed places.
12. In respect of Appeal B, I conclude that the scheme would not unduly harm the visual amenity of the area. I have taken into account the policies of the development plan and the Framework so far as they are material, and the scheme would comply with the policies referred to above in this respect.

Other Matters

13. The Council states there is an identified need to remove structures to improve sightlines and the development is likely to undermine planned public realm works due to be undertaken within this part of the city centre related to this. However, very little detail of this planned work or the concept for it has been provided, and so I cannot be sure how the appeal scheme would affect it. This has therefore had no bearing on the outcome of this decision and I have dealt with the appeals based on current circumstances.
14. In respect of Appeal B, the Council has not raised concerns regarding public safety impacts of the proposed advertisement, subject to conditions, and there is no evidence before me that would lead me to conclude otherwise. The proposed advertisement would be internally illuminated to a level of 600 cd/m² and static, as indicated on the application form. This appears to be reasonably restrained in this setting. In line with the Council's comments, and to ensure the advertisement is operated as applied for in the interests of amenity and public safety, an additional condition is required to ensure the illumination level is not exceeded and no moving or flashing images are displayed.

Conclusion

15. For the reasons given I conclude that Appeal A and Appeal B are allowed.

Ryan Cowley

INSPECTOR