



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: 28 November 2022

Appeal A Ref: APP/J4423/W/21/3286476

Pavement at Arundel Gate, Sheffield S1 2LX

- 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 21/03290/FULTEL, dated 20 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is removal of telephone kiosk and erection of Street Hub.
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Appeal B Ref: APP/J4423/H/21/3286477

Pavement at Arundel Gate, Sheffield S1 2LX

- 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 Mr Martin Stephens, on behalf of JCDecaux UK Limited, against the decision of Sheffield City Council.
 - The application Ref 21/03291/HOARD, dated 20 July 2021, was refused by notice dated 20 September 2021.
 - The advertisement proposed is digital LCD display screen to Street Hub unit.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

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.
5. In respect of Appeal B, the Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

6. The main issue in respect of both appeals is the effect of the proposed development and advertisement on public safety, with particular regard to the safe and efficient operation of the highway.

Reasons

7. The appeal site comprises an area of public footpath on Arundel Gate, adjacent to Sheffield Hallam University. It sits close to steps leading down to a public square adjacent. A low wall and railings run from the top of the steps and to the south of the site. A cycleway also passes the site along Arundel Gate. There is a pedestrian crossing of the road to the north. The area therefore forms an intersection of pedestrians and cyclists travelling along Arundel Gate or across from the direction of the university into the city centre.
8. The section of combined footway and cycleway in which the proposal would be located is wide. However, the cycleway is on a shared surface with the footway, demarcated only by a painted symbol and a different colour of block paving. The existing telephone kiosk, while close to the appeal site, is somewhat neatly tucked into a corner created by the adjacent low wall and fence. It is therefore enclosed on two sides, in a location pedestrians are less likely to pass through.
9. The proposal has a similar width and height as the existing telephone kiosk it would replace, albeit occupies a smaller area of the footway due to its slimmer profile. It would however be sited further into the footway, leaving a gap of approximately 0.75m to the adjacent fence. The residual space between the fence and the proposal would be narrow and less likely to be used by pedestrians. Instead, pedestrians walking on this side of the cycleway would be diverted into the equally narrow space between the proposal and the cycleway, into the cycleway itself or would be forced to cross the cycleway to the footway on the opposite side. Given the unassuming features of the cycleway, and the proximity to this intersection of routes, the proposal would unduly increase conflict between pedestrians and cyclists and could lead to collisions. It would also obstruct visibility for cyclists and pedestrians in this area, more so than the existing kiosk, which would make collisions more likely.
10. In respect of Appeal A, I therefore conclude that the proposal would harm public safety, with particular regard to the safe and efficient operation of the highway. It is therefore contrary to Policy BE10 of the Sheffield Unitary Development Plan (UDP) (1998), and Policy CS60 of the Sheffield Core Strategy (2009). These policies seek to ensure, amongst other things, that new development minimises the conflict between pedestrians and cyclists and assist users to find their way around the City Centre. It would also be at odds with the National Planning Policy Framework (the Framework), in respect of creating safe places.
11. In respect of Appeal B, I conclude that the proposed advertisement would unduly harm public safety. I have taken into account the policies of the development plan and the Framework so far as they are material, and where identified the scheme would conflict with the policies referred to above in this respect. The proposed advertisement also conflicts with paragraph 136 of the Framework, in respect of its aim of protecting places from poorly sited advertisements and controlling advertisements in the interests of public safety.

Other Matters

12. In respect of Appeal B, the Council has not raised concerns regarding amenity impacts of the proposed advertisement and there is no evidence before me that would lead me to conclude otherwise.

Conclusion

13. As set out above, the development would prejudice highway safety and would be contrary to the development plan, the Framework, and the Regulations to control advertisements in this regard. Set against this, it would provide a defibrillator, improved internet connectivity, a free device charging facility, and commercial and public information advertising. It would also involve the removal of the existing kiosk. However, in the circumstances of this appeal, I consider that these benefits do not outweigh the harm arising from the proposal or the identified development plan conflict.
14. For the reasons given above I conclude that the appeals should be dismissed.

Ryan Cowley

INSPECTOR