



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: 07 December 2022

Appeal A Ref: APP/J4423/W/21/3286397

Pavement outside Copthorne Hotel, near the junction with Cherry Street, Bramall Lane, Sheffield S2 4SU

- 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 James Browne, on behalf of BT Telecommunications Plc, against the decision of Sheffield City Council.
 - The application Ref 21/02482/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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Appeal B Ref: APP/J4423/H/21/3286398

Pavement outside Copthorne Hotel, near the junction with Cherry Street, Bramall Lane, Sheffield S2 4SU

- 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 James Browne, on behalf of BT Telecommunications Plc, against the decision of Sheffield City Council.
 - The application Ref 21/02483/HOARD, dated 17 May 2021, was refused by notice dated 23 September 2021.
 - The advertisement proposed is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens.
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Decisions

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 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.

5. In respect of Appeal B, in the banner heading I have referred to the description of the development from the application form, omitting that which is unnecessary to accurately describe the proposed advertisement.

Main Issue

6. The main issue in respect of both appeals is the effect of the proposed 'Street Hub' unit and associated 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 in front of the former Copthorne Hotel building, adjacent to Sheffield United Football Stadium. The site is close to the stadium's turnstiles and exit doors on Bramall Lane. This section of Bramall Lane is a long, straight road with footpaths either side, leading into the city centre to the north, and away from it to the south. I saw on my site visit that the footpaths in the immediate vicinity of the stadium are relatively clear of street furniture or other obstacles, save for intermittent street lighting columns and highway signage.
8. The area of footpath in which the proposal would be sited is itself not particularly wide, and the proposal would considerably reduce the amount of space available within the footpath for pedestrians. However, it is supplemented by an open tarmacked private forecourt in between the footpath and hotel frontage, which significantly increases the space available for pedestrians to pass. The only discernible boundary between the two areas of tarmac is a narrow band of flush concrete edging.
9. The location of the site adjacent to a lay-by creates a chicane in this part of the footpath, naturally encouraging pedestrians to cut across the forecourt away from the appeal site. At the time of my site visit the area was moderately trafficked by pedestrians and vehicles, however there remained ample space to pass by the appeal site, primarily across the private forecourt.
10. The retention of the forecourt for this purpose cannot be relied on in perpetuity however given it is a private space. Even if the forecourt remains in its current state, it is reasonably likely that at times it will become temporarily unavailable, such as for maintenance to its surface or the adjacent building, or other temporary uses associated with the adjacent stadium or hotel. In such circumstances, the limited public footpath space left would increase conflict between pedestrians and is likely to encourage people to step into the road.
11. I recognise the appellant has indicated they would relocate the unit in the event this space was lost to other uses. However, there is no appropriate mechanism before me, such as a planning condition or legal agreement, that would secure this. Even if there were, it is not clear how such a mechanism could reasonably address a situation where the forecourt was temporarily enclosed or unavailable.
12. While the stadium stand adjacent to the site may be designated for away fans, and they may be more likely to travel to and from the city centre, inevitably there would be considerable additional pedestrian traffic in and around the appeal site on match days. No formal objections have been received from the local highway authority, however concerns have been raised by Council officers

- and stadium representatives, including in respect of the effect of the proposal on crowd flow, evacuation times and public safety during match days.
13. The proposal would represent an obstacle that crowds would have to navigate around, which would be worsened in the event the forecourt was unavailable. It may also encourage those viewing its content or using its services to linger, further limiting crowd flows. This could create bottlenecks, divert crowds into the road and delay evacuations.
 14. I acknowledge the Council has granted planning permission for a similar development on this site previously. However, this was in respect of a different, narrower proposal. The additional width of the proposed unit in this case is significant in the context of an already narrow footway, and the likely footfall on matchdays, and so is more harmful in public safety terms.
 15. 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 Policies BE10 and MU11 of the Sheffield Unitary Development Plan (UDP), adopted March 1998. These policies, amongst other things, seek to ensure the design of streets and public spaces maximise the personal safety of pedestrians and new development in mixed use areas is well designed and provides safe access to the highway network. The proposal is also contrary to Policy CS74 of the Sheffield Development Framework Core Strategy (the Core Strategy), Adopted March 2009, which expects high-quality development that enables all people to gain access safely and conveniently. The proposal also conflicts with paragraph 112 of the National Planning Policy Framework (the Framework), in respect of its aims of giving priority first to pedestrian movements and creating safe places.
 16. I have found no direct conflict with Policy BE13 of the UDP, which primarily concerns the effect of large or illuminated advertisements on road safety and the character or appearance of the area. I have also identified no conflict with Policy CS61 of the Core Strategy, which concerns the establishment of Pedestrian Priority Zones within various parts of the city centre.
 17. 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 in so far as they are material, and where identified the scheme would conflict with the policies referred to above in this respect.

Other Matters

18. Though the Council may not have raised any concerns regarding public safety through pre-application discussions on the previous proposal, this does not lead me to a different conclusion in this instance.
19. 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

20. 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.

21. Set against this, it would provide improved internet connectivity, free charging stations, traffic and environmental monitoring and support for local business advertising and public information campaigns.
22. However, in the circumstances of this appeal, I consider that these benefits do not outweigh the harm arising from the proposal. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
23. For the reasons given above I conclude that the appeals should be dismissed.

Ryan Cowley

INSPECTOR