



Appeal Decision

Site visit made on 31 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2022

Appeal Ref: APP/J4423/W/21/3286473

Pavement outside 19 Market Place, Sheffield S1 2GH

- 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 J C Decaux Ltd (Mr Martin Stephens) against the decision of Sheffield City Council.
 - The application Ref 21/03280/FULTEL, dated 20 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is removal of telephone kiosk and erection of 1x Street Hub.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 9 September 2022

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.
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 and the proposed City Centre realm improvements.

Reasons

Pedestrian Safety

5. The appeal proposal seeks the approval for the installation of a BT Street Hub, located in the open area to the front of 19 Market Place approximately 10m from the frontage of that unit.

6. It would be approximately 2.6m high, 1.3m wide and 0.3m deep, with a canopy and illuminated advertisement to the rear. It would be constructed of steel and aluminium. An existing payphone unit would be removed.
7. Whilst there is more than enough space to pass the proposed unit, I have concerns relating to the Perspex hood, which has undergone a recent redesign after recent decisions were concerned with the projection of the hood.
8. Whilst the fins have been removed, there still remains a concern with regard to the projection. I am not convinced that the revised design is safe, given the ability to walk past in various directions, and the projection could still be potentially harmful to a partially sighted pedestrian or someone whose attention is distracted elsewhere when passing close to the unit.
9. I find that this is compounded by the concerns raised by the Access Officer of the Council with regard to the gap at the base of the unit, and the potential for a pedestrian using a cane to be affected by the angle of the cane and the narrow gap. I am concerned that these issues would potentially compromise pedestrian safety. The issue of the safety of the less mobile or visually impaired pedestrian cannot be understated in matters such as this.
10. These issues could be overcome by a change to the design of the Street Hub, but a revised design is not in front of me and the matter has not been addressed by the appellant. I have to deal with the appeal on the basis of the information and designs in front of me and the merits of the scheme.
11. As such, having failed to be convinced that the unit would not jeopardise pedestrian safety by means of the design, I find conflict with policies BE10, BE11 and S10 of the Sheffield Unitary Development Plan (the UDP) and policies CS61 and CS74 of the Sheffield Development Framework Core Strategy, which collectively, expect development to be safe for use by persons with disabilities, elderly people, young people and people with young children. I also find conflict with the design and safety guidance set out in the National Planning Policy Framework.

Public Realm Improvements

12. The Council have raised objections with regard to the effect of the Street Hub on the possible realm improvements to the City Centre as a result of a successful application for funding to carry out the works and one of the issues identified is the need to remove structures in the vicinity, but I have no other information other than that referenced in the report of the Council.
13. The appellant has stated that they are happy to agree to any relocation or repositioning should the works be undertaken and given the proposed location of the Street Hub in such an open public area, this could be done with the minimum of inconvenience to both parties and is a reasonable approach to dealing with the issue.
14. It is unreasonable of the Council to prevent development for the possibilities of realm improvement works, especially as a simple solution is available and the appellant is happy to make any reasonable adjustments in order to ensure the works are facilitated.

15. As such, on this issue, I find no conflict with Policy BE10 of the UDP, which expects development to co-ordinate works within public spaces. However, whilst I assess there to be no harm from this issue, it is of neutral benefit, and is outweighed by the harm that I have identified in relation to the pedestrian safety issue above.

Conclusion

16. 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