



Appeal Decisions

Site visit made on 8 January 2025

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal A Ref: APP/Q1445/W/24/3351469

Pavement outside 17 Jubilee Street, Jubilee Street, Brighton BN1 1GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of Brighton and Hove City Council.
 - The application Ref. is BH2024/01172.
 - The development proposed is the installation of a 'Pulse Smart Hub' with integrated digital screens.
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Appeal B Ref: APP/Q1445/H/24/3351470

Pavement Outside 17 Jubilee Street, Jubilee Street, Brighton BN1 1GE

- 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 Urban Innovation Company (UIC) Ltd against the decision of Brighton and Hove City Council.
 - The application Ref. is BH2024/01173.
 - The development proposed is the installation of a 'Pulse Smart Hub' with integrated digital screens.
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Decisions

Appeal A Ref: APP/Q1445/W/24/3351469

1. The appeal is dismissed.

Appeal B Ref: APP/Q1445/H/24/3351470

2. The appeal is dismissed.

Procedural Matters

3. There are two appeals relating to the same 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. I use the same

description as utilised by the appellant for both appeals, but for the sake of clarity, the hub structures are the subject of a s.78 planning appeal and the advertisement displays are the subject of separate advertisement consent appeal.

4. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as material considerations.
5. Several development plan policies have been referred to by both parties, in respect of both the s78 and Advertisement appeals. I consider the most relevant are Brighton & Hove City Plan Part One (adopted 2016) policy CP12 which aims amongst other matters to raise the standard of design in the City; CP13 which seeks to improve the quality of the City's public streets and spaces; CP15 which seeks to conserve the City's historic environment and those aspects of CP9 directed to promote and provide measures that would help to manage and improve mobility and to encourage and enable walking. Additionally, in the Brighton & Hove City Plan Part Two (adopted 2022) policy DM20 seeks to protect amenity; DM24 sets out requirements for advertisement display including where heritage assets may be affected; DM25 is similar in respect of communications infrastructure and DM26 and DM29 have a number of matters to have regard to when development affects conservation areas or the setting of a heritage asset. Also those parts of DM33 directed to prioritise and encourage safe and comfortable walking, wheelchair and buggy use and cycling are very relevant.
6. Reference is made to the Council's Supplementary Planning Document on Advertisements (SPD07), which I treat as a material consideration, and to a document entitled 'Brighton and Hove City Council's Local Cycling and Walking Infrastructure Plan'. The latter does not form part of the Local Development Framework, but I note that it has been subject to public consultation, and it attracts moderate weight as a material consideration.

Main Issues

7. The main issues are the effects on amenity, the character and appearance of the area including the North Laine Conservation Area 'CA' and the effects on highway/pedestrian movement and safety.

Reasons

Heritage, character & appearance, amenity

8. The appeal site is in Brighton town centre some 600m north of the beach front. It forms part of the pavement at the edge of a small public square on the east side of Jubilee Street. The Street is fairly narrow as it is part of a one way system for vehicles allowing movements from south to north with a two way cycle lane. There is a public library on one corner of the square.

9. The Smart Hub structure would be about 2.54m tall, about 1.2m wide and about 0.35m deep. It would display two back-to-back internally illuminated digital LED screens which would take up the vast majority of the main faces of the hub. The hub would include a touchpad, free calls and charging for devices and free wifi, a usb charging point, a defibrillator, an emergency services call button, the ability to advertise local events and information and built in CCTV monitoring. It would be sited outside no.17 Jubilee Street on the pavement in the south west corner of the square.
10. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. The CA derives much of its special character from its irregular grid street pattern and its rows of houses and terraces varying between 2 and 3 storeys high. Many of the buildings date from the 19th century and painted stucco walls and slate roofs are the dominant materials within the conservation area. However, the appeal proposal would primarily be seen in the context of modern commercial development of generally three or four storey scale. It too would be a modern structure and despite its illuminated display screens I am not convinced that its presence in this particular part of the CA would harm the heritage significance of the CA. I have had regard to some listed buildings in the wider area drawn to my attention but, with my statutory s.66 duty in mind, the smart hub would be too distant to harm the setting of any listed buildings.
12. Turning to visual amenity generally, existing vistas of the appeal site looking north or south on Jubilee Street are constrained by the narrow road which has a cycle lane and laybys. Existing street furniture includes a large cycle bay with Sheffield stands, a row of bollards some road signs and lamp posts. There are also street trees and a number of giant planters with vegetation, one about 2m away from the appeal site. I consider that the area is visually cluttered. The smart hub would be sited prominently towards the outer edge of the footway. It would be a sizeable structure especially due to its height at about 2.54m, and an eye-catching one owing to its large digital advertisement screens. It would add visual clutter to the area which cumulatively would be detrimental to visual amenity, and it would encroach and partially block attractive views north up to North Road and south to New Road. These views are already mainly funnelled owing to the narrow road and three to four storey buildings lining the majority of the road but the siting of the smart hub with its advertisements would worsen visual amenity considerably.
13. I have taken into account a grant of prior approval at this location on 22 June 2018 (ref APP/Q1445/W/18/3193448) for a glazed public telephone box without illuminated digital advertisement display. This was never installed. I have assessed the smart hub on its own individual merits which differ from those of the glazed telephone kiosk and which fall to be determined in 2025 some six or so years later when the streetscene has clearly evolved.
14. On this issue, notwithstanding that I have found the heritage interest of the CA would be preserved, I conclude that the proposed smart hub would harm amenity and the character and appearance of the area would be unacceptably harmed. Accordingly, a

clear conflict arises with the provisions and requirements of the most relevant development plan policies identified earlier.

Pedestrian/Highway Movement and Safety

15. The square is in the heart of the cultural quarter and is used as an outdoor and pop up venue space and for a range of cultural activities including street theatre, music events, outdoor screenings and commercial events. Jubilee Street is a thoroughfare connecting the North Laines shopping area to the Pavilion Gardens area. The evidence before me estimated footfall in the area of about 24,000 to 31,000 per week. This was not disputed by the appellant. However, from my site visit (timed at about 1.30pm) pedestrian footfall in the area was high and, even if the estimated footfall quoted above is over stated, I anticipate that this popular town centre area becomes very congested with pedestrians on a regular basis particular at high tourist season.
16. Of particular concern was the number of pedestrians walking in the road itself, in spite of the close-knit bollards discouraging this. The proposed siting of the hub leaves little room to step to its west side without encroaching onto the carriageway/cycle lane and this is likely to be exacerbated by the fact that pedestrians leaving the square going southwards on Jubilee Street are funnelled onto a much narrower footway in order to accommodate a loading bay.
17. I consider the proposal would cause an unnecessary and harmful obstruction to footway users, putting public safety at risk, particularly if users of the side touchscreen of the hub are present. Accordingly, a clear conflict arises with the provisions and requirements of the most relevant development plan policies identified earlier.
18. In relation to the harms I have identified I have weighed up the benefits of a smart hub particularly those services available to a member of the public without a working mobile phone, but I conclude that the benefits taken together do not outweigh the harms I have identified above.

Other Matters and Conclusion

19. All other matters raised in the representations have been considered but none outweighs the considerations that led me to my conclusions on the appeals.
20. For the above reasons, I conclude that the appeals should be dismissed.

Megan Thomas KC

INSPECTOR