
Appeal Decisions

Site visits made on 6 February 2025

by P J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/J4423/W/24/3352442 (APPEAL 1A) **463 Ecclesall Road, Sheffield S11 8PP**

- 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 Urban Innovation Company against the decision of Sheffield City Council.
 - The application Ref 24/02129/FUL, dated 18 July 2024, was refused by notice dated 9 September 2024.
 - The development proposed is the installation of a Pulse Smart Hub with integrated digital screens.
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Appeal Ref: APP/J4423/H/24/3352443 (APPEAL 1B) **463 Ecclesall Road, Sheffield S11 8PP**

- 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 Ltd against the decision of Sheffield City Council
 - The application Ref 24/02130/HOARD, dated 18 July 2024, was refused by notice dated 9 September 2024.
 - The advertisement proposed is the display of 2x LED digital illuminated displays, one on either side of a Pulse Smart Hub.
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Appeal Ref: APP/J4423/W/24/3352448 (APPEAL 3A) **451 Ecclesall Road, Sheffield S11 8PP**

- 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 Urban Innovation Company Ltd against the decision of Sheffield City Council.
 - The application Ref 012133/FUL, dated 18 July 2024, was refused by notice dated 9 September 2024.
 - The development proposed is the installation of a Pulse Smart Hub with integrated digital screens.
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Appeal Ref: APP/J4423/H/24/3352453 (APPEAL 3B) **451 Ecclesall Road, Sheffield S11 8PP**

- 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 Ltd against the decision of Sheffield City Council.
 - The application Ref 24/02134/HOARD, dated 18 July 2024, was refused by notice dated 9 September 2024.
 - The advertisement proposed is the display of 2x LED digital illuminated displays, one on either side of a Pulse Smart Hub.
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Procedural matters

1. The appeals relate to two nearby locations, as described below. In each case there is a planning appeal and an advertisement appeal. (I have adopted the appellant's numbering scheme.)
2. Due to the considerable similarity in the locations and issues, I have dealt with these locations jointly unless otherwise stated.

Decisions

3. Appeal 1A - The appeal is allowed and planning permission is granted for the installation of a Pulse Smart Hub with integrated digital screens at 463 Ecclesall Road, Sheffield S11 8PP in accordance with the terms of the application, Ref 24/02129/FUL, dated 18 July 2024, subject to the condition that the development hereby permitted shall begin not later than three years from the date of this decision.
4. Appeal 1B - The appeal is allowed and express consent is granted for the display of the advertisement as applied for at 463 Ecclesall Road, Sheffield S11 8PP. 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.
5. Appeal 3A - The appeal is allowed and planning permission is granted for the installation of a Pulse Smart Hub with integrated digital screens at 451 Ecclesall Road, Sheffield S11 8PP in accordance with the terms of the application, Ref 012133/FUL, dated 18 July 2024, subject to the condition that the development hereby permitted shall begin not later than three years from the date of this decision.
6. Appeal 3B - The appeal is allowed and express consent is granted for the display of the advertisement as applied for at 451 Ecclesall Road, Sheffield S11 8PP. 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.

Main issues

7. There are two main issues which are common to all four appeals:
 - The effect of the proposals on the amenity of the area, specifically the character and appearance of the streetscene.
 - The effect of the proposals on public safety, specifically related to the free and safe flow of pedestrians.

Reasons

The sites and proposals

8. The appeals relate to two sites, on either side of the accesses and parking area related to the Berkeley Centre, which is a retail development with flats above. The sites are within the footway of Ecclesall Road which is an active retail and commercial centre which is identified as a District Shopping Centre in the Unitary Development Plan (1998) (UDP). The surrounding area includes commercial units along the main road with residential and other development in the hinterland.

9. The footway includes a wide range of street furniture including parking meters, bus shelters, advertisements, mobile phone apparatus, traffic lights, along with street trees.
10. The proposals are the installation of a 'Pulse Smart' unit, which would be free-standing structures measuring around 1.3m x 0.35m x 2.5m (high). They would feature an accessible interactive tablet and a larger digital advertising display screen on two sides. The screen would provide a number of features including free wi-fi, digital wayfinding, wireless mobile phone charging, a 999 service, defibrillator and a feature for the emergency treatment of drug overdose.

The effect on amenity/streetscene

11. The area includes a range of features, summarised above, which serve to create a busy, but not cluttered, commercial streetscene. As well as those features in close proximity to the sites, the wider area along the main road exhibits a similar range of street furniture and planting. In that context the presence of the Hubs would be in keeping with the character of the area and would not harm local amenity.
12. The same considerations apply to the advertisement element of the Hubs, which would not be over dominant. The area includes a number of freestanding adverts in the pavement area, and this element of the Hubs would be in keeping with the character of the area.
13. In coming to these views on the first issue related to the merits of the planning and advertisement appeals I am conscious of the history of the two locations. I am advised that more conventional phone boxes were approved some while ago – but were not implemented. Although the design of these structures was quite different to the current proposal, and the permissions have lapsed, this is a material consideration, albeit of limited weight.
14. I have concluded that the proposals would not harm the amenity of the area, specifically the character and appearance of the streetscene. In coming to this view I have had regard to UDP policies BE5, BE10, S10 and Core Strategy (CS) (2009) CS74. These relate to the design of streets and public spaces and general design principles. The proposals do not conflict with these policies (In the case of the advertisement appeals the development plan policies are only a material consideration and do not carry the same weight as in the case of the planning appeals.)

Public safety

15. In terms of public safety, the Council's concern is that if the appeal proposals went ahead, there would be insufficient footway to allow pedestrians to pass along this busy stretch of pavement. However, nothing has been put before me to demonstrate that this is a particularly busy stretch – it did not seem to be so at the time of my visit, although I recognise that this is only a snapshot of the position.
16. The Council has stated that part of the unusually wide pavement in these locations is in fact private land. That may be the case – and there is some delineation on the ground to suggest that this is so – but there is nothing to suggest that the landowners are likely to prevent public access. In any case, even if that were the case, there would remain sufficient room for pedestrians and those using wheelchairs or mobility scooters.

17. As before, I am mindful of the lapsed approvals for telephone boxes on the sites. The evidence is that these had a larger footprint than the current proposals, and that is a material consideration
18. For these reasons I conclude that the proposals would not harm public safety, specifically related to the free and safe flow of pedestrians. They would not conflict with UDP policy BE10 or CS policy CS74.

Conclusions

19. Appeals 1A and 3A. For the reasons given above I conclude that the appeals should be allowed.
20. Appeals 1B and 3B. For the reasons given above I conclude that the display of the advertisements would not be detrimental to the interests of amenity and public safety.

P. J. G. Ware

Inspector