



Appeal Decisions

Site visit made on 4 March 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal A Ref: APP/J4423/W/24/3352446

Pavement Outside 50 High Street, Sheffield, S1 1QH

- 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 Mr Ollie Smith of Urban Innovation Company (UIC) Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/02131/FUL.
 - The development proposed is the installation of pulse smart hub with integrated digital screens.
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Appeal B Ref: APP/J4423/H/24/3352447

Pavement Outside 50 High Street, Sheffield S1 1QH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (2007 Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Ollie Smith of Urban Innovation Company (UIC) Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/02132/HOARD.
 - The advertisement proposed is 1x internally illuminated, double sided digital static advertising unit.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the installation of pulse smart hub with integrated digital screens at Pavement Outside 50 High Street, Sheffield, S1 1QH in accordance with the terms of the application, Ref 24/02131/FUL, subject to the conditions in the attached schedule at the end of this decision.

Appeal B

2. The appeal is allowed, and express consent is granted for the display of a 1x internally illuminated, double sided digital static advertising unit at Pavement Outside 50 High Street, Sheffield S1 1QH, in accordance with the terms of the application, Ref 24/02132/HOARD. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

3. In terms of Appeal B, the description of the proposal has been taken from the Council's notice of decision as it most accurately describes the proposed advertisement.

4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024 and later amended on 7 February. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further and there would be no unfairness as a result. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
5. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
6. In relation to Appeal B, the Council's reason for refusal refers to development plan policies. However, the 2007 Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the Framework and development plan policies into account, they have not been decisive considerations in my determination of that appeal.

Main Issues

7. The main issue in respect of Appeal A is highway safety with particular regard to pedestrian safety. The main issue in respect of Appeal B is the effect of the proposed advertisement on public safety.

Reasons

Highway safety/public safety

8. The appeal site relates to a small area of pavement on High Street near to its junction with Arundel Gate. This part of High Street is wide and has pavements to either side, between the pavements is a section of road used by cars travelling towards Church Street and tram tracks. The section of pavement where the proposed development is to be located is also wide, said to be some 4.15 metres or so. In addition, there is a large overhang on the nearest building at the back edge of the pavement (that contains a Lidl store at ground floor), which provides an extended pavement area underneath the building. Notwithstanding the position of the buildings support pillars, this additional area combined with the pavement makes the space where pedestrians can move along on this side of High Street considerably wide.
9. The proposal would be positioned on the side of the pavement nearest to the road, but approximately 0.6 metres from the kerb edge. On the same side of the pavement is a bin and a lighting column near to the appeal site and further along (towards Church Street) is a bus stop shelter and information panel, also on that side of the pavement, which would ensure a consistent alignment of street furniture. The proposal would have a width of 1.28 metres or so and have a very small depth, said to be approximately 0.35 metres, which would make the pavement width some 2.4 metres at its narrowest, but this would only be for a very short distance.
10. I saw on my site inspection that most pedestrians were walking along the pavement in a desire line away from the site of the proposal, and those pedestrians either coming from Arundel Gate or walking to it, tended to walk underneath or close to the building's overhang and would be unlikely to be

affected by the siting of the proposal. Furthermore, its siting and setback from the kerb edge would also allow pedestrians seeking to cross High Street sufficient opportunity to ensure it was safe to do so.

11. Even without the areas underneath the nearest building, the retained width of approximately 2.40 metres would also allow pedestrians the opportunity to safely walk past one another, including when they are walking in different directions and its position would not cause an unacceptable obstacle on the pavement. There would also be adequate space for those pedestrians with a pushchair, or for vulnerable users, including those in a wheelchair or with sensory impairments, to safely navigate the pavement without being unacceptably prevented from doing so by the siting of the proposal. As such its siting and scale would not be harmful to pedestrian movements and safety.
12. The Council have referred to 'TfL' guidance saying a pedestrian width of 3.3 metres would be required. I have not been provided with a copy of the guidance to properly assess what context it recommends such a pavement width and whether there are any exceptions for street furniture, I also note it is stated to be guidance only. In this case, no harmful effects in terms of pedestrian safety with the reduced pavement width (excluding the areas underneath the nearest building) have been identified and the limited information regarding the 'TfL' guidance does not alter my findings above.
13. I also observed that the siting of the proposed hub would be some distance from the nearest bus stop, and it would be unlikely that people queuing for buses would queue up to or beyond the location of the proposed hub. Moreover, it is also not certain that such queues would be in the direction of the appeal site in any event.
14. It is noted that conditions, can be used amongst other things to control the brightness of displays, and intervals between changes. Given this, its siting and modest size and that vehicles travelling along this part of High Street would all be going in one direction, along with the large width of High Street, the proposal would not form an unacceptable distraction to drivers travelling along the road or be harmful to highway safety. Furthermore, the position of the proposal would not unreasonably restrict cycle movements along High Street.
15. In view of the above, I therefore conclude that regarding Appeal A, the proposal would have an acceptable effect on highway and pedestrian safety, and in terms of Appeal B, the proposed advertisement would not be harmful to public safety. As such, in both cases the proposals would comply with Policies S10 and BE10 of the Sheffield Unitary Development Plan, adopted March 1998, which require pedestrian movements are safe for persons of all ages including those with disabilities, and that it does not endanger pedestrian safety or lead to conflict with different highway users. In addition, the proposal would comply with paragraph 117 of the Framework that requires development to create places that are safe and secure and give priority to pedestrian movements.

Other Matters

16. The appeal site is located within the City Centre Conservation Area (CA), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In advertisement appeals (Appeal B) this is only relevant

in so far as it relates to amenity. The CA covers a large area of the city centre, with a variety of buildings, uses, and street furniture. Given the siting and limited scale of the proposal, which would be near to taller buildings in this busy area, along the considerable width of High Street, the proposal would not appear dominant, and it would assimilate well into the street scene ensuring the character and appearance of the CA is preserved.

17. The comments regarding environmental concerns, including energy usage and carbon emissions from the proposal are noted. However, these cannot be considered in isolation, the Framework at paragraph 8 also contains economic and social objectives which are fundamental aspects of sustainable development. These include encouraging economic activity, such as supporting local businesses and the viability and vitality of town centres. In addition, the proposal also includes community messaging, and features to help vulnerable persons, which would contribute towards the community's health and social wellbeing. It also allows increased connectivity by offering phone calls and charging options. As such, when considered as a whole, I am not persuaded that the proposal would be unsustainable development or that the arguments raised against the proposal would be reasonable objections in this case.
18. There is no evidence that the proposal would be used to display harmful advertising content, or that people living near the proposal would be harmed by its installation. Whether the area the appeal site is situated within is regarded as a deprived area or not, it is within the city centre, and where commercial, retail, and business activity should take place.

Conditions

19. For Appeal A, I have imposed the standard implementation condition and a condition specifying the relevant plans as this provides certainty.
20. For Appeal B, as well as the standard conditions for advertisements (referred to above), in the interests of highway safety, conditions are also necessary: to prevent the display of any advertisements that contain moving images; to ensure a smooth transition between images and the length of time images are displayed; to ensure that there are no error messages displayed in the event of a breakdown; to restrict the levels of luminance of the advertisement's and ensure they respond to ambient light levels.

Conclusion

21. For the reasons given above, I conclude that the appeals should be allowed.

A Hunter

INSPECTOR

Schedule of Planning Conditions – Appeal A

- 1) The development shall be begun not later than the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: drawing no's SHEF-HS-2024-01; SHEF-HS-2024-02; SHEF-HS-2024-03; and SHEF-HS-2024-04.

Schedule of Planning Conditions – Appeal B

- 1) There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message/advertisement is displayed.
 - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.
 - 3) The display shall not change more than once every 10 seconds. The use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
 - 4) The screen display shall be erected with a mechanism installed in order that, if the screen display breaks down, it defaults to a blank black screen to avoid any flashing error messages or pixilation.
 - 5) The screen display panel shall at all times be fitted with a light sensor to adjust the brightness to changes in ambient light levels.
 - 6) At no time shall the luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 - The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance).
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