



Appeal Decisions

Site visit made on 12 March 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal A Ref: APP/N4720/W/24/3352458

Pavement Outside 53 Duke Street, Leeds LS2 7DJ

- 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 Leeds City Council.
 - The application Ref is 24/04136/FU.
 - The development proposed is installation of "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/N4720/H/24/3352459

Pavement Outside 53 Dukes Street, Leeds LS2 7DJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of Leeds City Council.
 - The application Ref is 24/04137/ADV.
 - The advertisement proposed is installation of "Pulse Smart Hub" with integrated digital screens.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. Appeals A and B relate to the same scheme under different, complementary legislation. As such, I have dealt with the appeals together in my reasoning except where stipulated.
4. In relation to Appeal B, the Council has cited the National Planning Policy Framework (the Framework), and policies from its Unitary Development Plan Review (UDPR) and Core Strategy (CS) in its decision notice. I have taken them into account as material considerations. However, the power to control advertisements under the Regulations¹ may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination of Appeal B.

Main Issues (both appeals)

5. The main issues are the effect of the proposed development/advertisement on public safety and on the visual amenity of the area.

¹ Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

Public Safety

6. The proposed Smart Hub would be located adjacent to Duke Street, which is a busy main road with two lanes travelling northwards. Within the immediate vicinity of the site, is a signalised pedestrian crossing, road sign, bus layby and digital traffic information board.
7. The Smart Hub's digital display would be positioned such that it would appear within the direct line of sight of drivers below the road sign and in combination with the other features in the footway. The vibrancy of the screen would draw the eye of road users and the change in image would be a distraction.
8. Even a short distraction would increase the risk of collisions between vehicles manoeuvring between the two lanes, braking to accommodate buses using the layby or reacting to the pedestrian signals. The Council's evidence shows that several accidents have occurred in the vicinity of the site. This adds to my concerns over the safety of introducing a potential distraction at a point where traffic hazards require road users to be alert.
9. The footway is a shared surface for pedestrians and cyclists and currently contains, a telecommunication mast and cabinets, bench, poster board advert, bin, bollard, street lighting and signs. The various street furniture are not positionally aligned within the footway. As such, they already influence pedestrian and cycle movements. Adding a further solid structure would exacerbate this, increasing the risks of conflicts between pedestrians and cyclists as they navigate the shared surface. This also includes users of the Smart Hub who would be screened by its size and solid form and could step out from behind it unexpectedly.
10. The solid nature of the Hub and its positioning would also impede some views for pedestrians waiting at the bus stop, and vice versa for the bus driver, leading to an increased risk of accidents if individuals' step onto the layby to gain a view.
11. Even though individually the chance of these scenarios leading to a collision is not necessarily high, cumulatively they increase the risk, and the consequences from such an occurrence would be significant and unacceptable.
12. I have considered the use of conditions to control, amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, they would not overcome my fundamental concern over the potential distraction caused by the Smart Hub in this location. As such, I conclude that the proposal would prejudice public safety in the area.
13. Accordingly, in relation to Appeal A, the proposed development would be contrary to the requirements of Policy GP5 of the Council's UDPR, Policy P10 of the CS and the provisions of the Framework (2024), when taken together and in so far as they relate to this main issue. These say, amongst other things, that proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety, and to promote energy conservation and the prevention of crime.

Visual Amenity

14. This part of the footway contains numerous pieces of different types of street furniture within a small area. As a result, it is already somewhat cluttered. The proposed Smart Hub would be a prominent feature due to its solid nature and vibrant digital displays drawing the eye. In combination with the telecommunication mast and its numerous cabinets, the bench, bollard and bin, road sign, streetlight and pedestrian crossing signal, the proposed Smart Hub would result in a highly concentrated assortment of differing street furniture. This concentration, in combination with the different alignments in the footway, would result in an overtly cluttered street scene to the detriment of the visual amenity of the area.
15. I therefore find that the proposal would have a harmful impact on the visual amenity of the area. As such, and in relation to Appeal A, the proposal would be contrary to the requirements of Policies BD8 and GP5 of the UDPR, Policy P10 of the CS and the provisions of the Framework, when taken together and in so far as they relate to this main issue. These, amongst other things, support proposals where the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.

Other Matters

16. My attention has been drawn to a previous appeal decision² from 2018 for a telephone kiosk in this location. From the evidence before me, the telephone kiosk did not contain a digital screen with rotating images. Moreover, there have been changes in circumstances along the footway with it now being a shared surface with cyclists and a bollard installed advertising this. Additionally, a mobile phone mast and associated cabinets have been installed. Accordingly, both the nature of the proposal and the footway have altered, and the previous appeal decision does not justify the harm I have identified in the main issues.
17. The appeal site is within the Leeds City Centre Conservation Area (CA) and the setting of the Grade I listed building known as the Leeds Minster. The Council has not specifically objected to the development in relation to the CA or the setting of the listed building in its decision notices. The proposal would be located on a part of a footway near a busy road that does not contribute positively to the CA and is divorced from the Minster. As such, and having had regard to the statutory duties under both sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in so far as they are relevant, I am satisfied that there would be no harm to the character and appearance of the CA or the setting, and thus the significance, of the listed building.
18. In accordance with the Framework, I have no reason to question the need for the electronic communication systems. Public benefits would arise from the provision of life-saving equipment, free phone calls, Wi-Fi, the ability to support environmental monitoring such as air quality, public and emergency services, maps and wayfinding, information sharing, device charging facilities, public messaging, and the increased prominence of business advertising.
19. The Smart Hub is proposed to form part of a wider network, which would cumulatively have significant public benefits. However, individually, the proposal

² Appeal Ref: APP/N4720/W/17/3189966

would have localised benefits. Moreover, there is no firm evidence that the proposed location before me is the only means of securing such benefits within this area, moderating the weight I afford these matters. The benefits do not therefore outweigh the harm I have identified in the main issues.

20. Moreover, in relation to Appeal B, as the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, the environmental, social, or economic benefits emanating from the Smart Hub does not outweigh my findings on the main issues.

Conclusion

21. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
22. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

Mr R Walker

INSPECTOR