



**The Planning Inspectorate  
Temple Quay House, 2 The Square  
Temple Quay, Bristol BS1 6PN.**

**23 October 2024**

**Submitted Online**

Dear Sir/Madam

**Pulse Smart Hub and Integrated digital screens  
Pavement outside 17 Jubilee Street, Brighton BN1 1GE  
Appeal references APP/Q1445/W/24/3351469 and APP/Q1445/H/24/3351470  
BHCC planning application references BH2024/01172 and BH2024/01173**

1. Living Streets Brighton and Hove<sup>1</sup> is primarily concerned with creating safer, cleaner, greener streets and neighbourhoods in the city to create a better walking environment and inspire people to walk more.
2. We formally objected to the applications for planning permission for the installation of a 'Smart Hub' in Jubilee Street in a letter dated 14 June 2024 (attached). Since then, we have become aware of a specific case that brings the basis of the current Appeals into question, as well as discovering other aspects of relevant planning regulations and guidance that add to the evidence to support refusal of the Appeals.
3. We therefore submit that the Appeals should not be granted for the reasons spelt out in this letter. In summary, these are:
  - The harms powerfully outweigh the public benefits, because there are few if any public benefits but highway and public safety issues are very likely to arise given the siting of this hub on the pavement in an often very busy area for pedestrians;
  - The proposals are in conflict with the principles and priorities of Brighton and Hove City Plans (2016 and 2022), and the Local Cycling and Walking Infrastructure Plan (LCWIP) in relation to active and sustainable travel including encouraging walking in the city;
  - The proposals undermine principles of consistency in planning decisions more widely.

#### **4. The harms outweigh the public benefits**

- 4.1 The harms of these hubs are evidenced in the rationale for refusing planning permission from BHCC, as well as our own objections, including:

---

<sup>1</sup> Living Streets Local Groups are part of the UK charity for everyday walking. We want to create a walking nation where people of all generations enjoy the benefits that this simple act brings, on streets fit for walking. See Living Streets Brighton and Hove <https://www.livingstreets.org.uk/get-involved/local-groups/brighton-and-hove-local-group/>.

- It would impede pedestrian flow, creating highway and public safety issues for pedestrians, cyclists and drivers by potentially forcing pedestrians into the road at busy times. This location often becomes very crowded as it is on a major pedestrian route across the city as well as being close to many city centre bars, restaurants and other venues.
  - It would create significant obstructions on pavements causing particular problems for blind and partially sighted people. The base can be a trip hazard.
  - It would block sightlines for pedestrians and drivers, increasing the dangers of crossing roads.
  - It would add to the unnecessary clutter of street furniture and signage which makes streets less accessible and attractive to people on foot and in wheelchairs.
- 4.2 These hubs are designed to provide both a smart communications hub and digital advertising screens. The planning applications make it clear that "The advertising forms an integral part of a smart communications hub". Any public benefit claimed for these hubs is related to their services as a smart communications hub. As shown below, these services are no longer necessary in 2024.
- 4.3 The Appeal statements draw extensively on a previously successful Appeal in 2018 against the refusal by BHCC of planning permission for a telephone kiosk, also in Jubilee Street. However, there have been significant changes to the social context and to BHCC planning and transport policies since then which, we argue, remove the relevance of that earlier Appeal.
- 4.4 The need for smart communications hubs has changed significantly since 2018. As of 2023, 98% of adults aged 16-24 in the UK had access to a smartphone; 86% of those aged 55-64 and 80% of those aged 65 and over. It is estimated that by 2025, roughly 98% of the UK population will be smartphone users<sup>2</sup>.
- 4.5 These statistics remove any case for public benefits from the communications elements of these hubs which the applicants claim will 'protect and save lives' because 'modern life requires people to stay connected', access emergency services etc. People are already connected and can call emergency services on their mobile phones, removing this justification for such hubs now.

## **5. The proposals contradict existing local plans**

- 5.1 The smart hub installation contradicts the principles and policies of existing local plans, including:
- Brighton and Hove City Plan Part One 2016, Policy CP9: Sustainable Transport. This aspect is directed to promote and provide measures that would help to manage and improve mobility and to encourage and enable walking. We have already pointed out that this hub will cause a significant obstruction on a busy pavement and thus make walking more difficult and less safe and attractive as the pavement becomes even more crowded to avoid them.
  - Brighton and Hove City Plan Part Two 2022, Policy DM33: Safe, Sustainable and Active Travel. Among other measures, this seeks to prioritise and encourage walking in the City and maintain or improve wheelchair accessible routes. We have pointed out above how this hub conflicts with this objective.

---

<sup>2</sup> <https://www.uswitch.com/mobiles/studies/mobile-statistics/>

- The LCWIP, published by BHCC in February 2022, is designed to create "a better connected city where active travel (walking, wheeling, cycling) is the first choice for getting from A to B supported by high quality infrastructure which makes active travel accessible, easy, welcoming, enjoyable and safe."<sup>3</sup> This includes that the council will "ensure active travel infrastructure enables safe and **unobstructed** travel along routes" (page 23, emphasis added). Installations such as these smart hubs would simply add to the obstructions on pavements that are recognised to reduce the attractiveness of walking routes. Moreover, obstructions and clutter on pavements were cited as one of the top three aspects of public dissatisfaction with the walking environment in the city (page 28).

5.2 As the primary voluntary group promoting and encouraging walking and wheeling in the city, we submit that this hub would create new obstructions and hazards for people on foot or in wheelchairs, as well as potentially creating hazards for those cycling or driving on the roadways.

## 6. The proposals undermine principles of planning consistency more widely

- 6.1 The current Appeals place great emphasis on the relevance of the previously allowed Appeal in 2018 for the installation of a telephone kiosk in Jubilee Street. However, as we have pointed out above, times have changed since that Appeal and the need for such communications hubs has almost entirely disappeared. That Appeal, six years ago, therefore has little or no relevance to the current applications or Appeals.
- 6.2 The current Appeals refer to other planning permissions which the Appellant considers relevant, but these are entirely different. Para 2.37 of the Appeal statements refers to planning permission allowed on Appeal for a supermarket; para 2.42 refers to a housing development.
- 6.3 In the spirit of consistency in planning decision making, we would instead refer you to the upholding of the refusal of planning permission for a smart hub very similar to the one currently proposed in Brighton and Hove: *New World Payphones Limited V Westminster City Council & Anor. Appeal Court Case Number C1/2019/0430. Dated 18 December 2019.*<sup>4</sup> This case is also more recent than the 2018 Appeal decision relating to BHCC cited by the Appellant in the current case.
- 6.4 The New World case made clear that regulations had materially changed in recent years. "From 25 May 2019, regulations 16 and 17 of the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (SI 2019 No 907) amended the GPDO and the Advertisement Regulations so as to **remove** the permitted development right and any deemed advertising consent for telephone kiosks. Therefore, any proposed new telephone kiosk in the future will be subject to the full regime for express grant or consent." (para 25, emphasis added). Although that case relates to a Permitted Development application, it establishes the principle that an Electronic Communications Code Operator should not be permitted to force a consent for advertising screens just because those screens are linked to telecoms equipment. This is recognised in the two separate applications and Appeals on this hub.
- 6.5 Moreover, we would argue that the large size and location of the screens on these hubs, in the middle of a busy pedestrian thoroughfare, are clearly designed for the purposes of advertising rather than telecoms. These are not telecoms installations with associated advertising, they are advertising installations with a few telecoms functions. If these hubs were only advertising installations, they would obviously be refused planning permission in this location.

---

<sup>3</sup> [https://www.brighton-hove.gov.uk/sites/default/files/2022-07/LCWIP\\_Brighton\\_Hove\\_Feb%202022\\_finals.pdf](https://www.brighton-hove.gov.uk/sites/default/files/2022-07/LCWIP_Brighton_Hove_Feb%202022_finals.pdf)

<sup>4</sup> <https://caselaw.nationalarchives.gov.uk/ewca/civ/2019/2250?query=C1%2F2019%2F0430&court=ewca%2Fciv>

6.6 The New World Payphones judgement in Westminster clearly states:

- "Whilst a public call box was permitted development within Part 16 Class A of Schedule 2 to the GPDO, the electronic display panel was not within any permitted class. The GPDO could not be used to obtain planning permission for a mixed planning use or 'dual purpose', because to allow it to be so used would allow permission to be obtained for development that was outside the scope of that permitted by executive (and, ultimately, by Parliament) under the GPDO, which would be an abuse of the GPDO." (para 50 iv);
- "It is uncontroversial that the proposed telephone kiosk in this case did not have merely the single purpose to enclose electronic communications apparatus, but also an advertising purpose. It therefore very clearly fell outside the scope of the GPDO." (para 50 v)
- "For those reasons, in my view, Ouseley J was right to conclude that the proposed development fell outside the scope of the GPDO, and was right to quash the prior approval on that ground." (para 51).
- The conclusion of this Appeal Court judgement was that the appeal was dismissed, and upheld the Westminster Council's decision to refuse approval (para 55).

6.7 NPPF 2012 says that "Advanced, high quality, reliable communications infrastructure is essential for economic growth and social well-being" (section 10, para 118), but that refers to radio and electronic communications masts (para 119). Moreover, the NPPF stresses that "Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), **equipment should be sympathetically designed and camouflaged where appropriate.**" (emphasis added, para 119). The proposed smart hub is neither sympathetically designed nor camouflaged but is actually designed to be as noticeable as possible, and is being used for an entirely unrelated function (advertising) for which there are no special rights or policy concessions.

6.8 We also note that similar 'communication hubs' have been rejected by councils elsewhere (e.g. Cardiff City Council), because of their size and impact and in recognition that these applications add to unnecessary street clutter for minimal public benefit<sup>5</sup>.

6.9 Finally, the Appellant suggests that there is a "need to plan for greater investment in world-class digital infrastructure" (para 3.22). However, we would argue that this does not need large physical hubs with advertising screens that are 2.5 metres high and 1.3 metres wide in the middle of busy pedestrian thoroughfares.

## 7. Conclusions

**In summary, we urge that these Appeals be refused on the grounds that the harms far outweigh any public benefits, that the location on busy pedestrian thoroughfares conflicts with local planning priorities (BHCC City plans and the LCWIP) and that they conflict with recent planning policy, guidance and decisions elsewhere in the country, undermining consistency in planning decisions.**

**It is also important to establish a precedent for Brighton and Hove: that these entirely unnecessary and obstructive installations are not allowed to create further street clutter which reduces the safety, accessibility and attractiveness of our city streets for residents and visitors.**

Dr Diane Warburton  
Convenor, Living Streets Brighton and Hove  
diane@sharedpractice.org.uk

---

<sup>5</sup> <https://adfreecities.org.uk/2024/01/adblock-cardiff-win-against-ads-disguised-as-communication-hubs/>