



Appeal Decisions

Site visit made on 21 January 2025

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal A Ref: APP/N4720/W/24/3352455

Pavement outside 38 Lands Lane, Leeds, LS1 6LB

- 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 24/04134/FU.
 - The development proposed is the installation of a "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/N4720/H/24/3352457

Pavement outside 38 Lands Lane, Leeds, LS1 6LB

- 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 24/04135/ADV.
 - The advertisement proposed is two LED digital illuminated displays on either side of a "Pulse Smart Hub".
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Decisions

1. Appeal A is allowed, and planning permission is granted for the installation of a "Pulse Smart Hub" with integrated digital screens at the pavement outside 38 Lands Lane, Leeds, LS1 6LB in accordance with the terms of the application, Ref 24/04134/FU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan Drawing No. Leed-LL/2024/01; Existing Site Plan Drawing No. Leed-LL/2024/02; Proposed Site Plan Drawing No. Leed-LL/2024/03; Proposed Elevations/ Technical Specification Drawing No. Leed-LL/2024/04; Photograph of Existing Drawing No. Leed-LL/2024/05; and Proposed Illustration Drawing No. Leed-LL/2024/06.
2. Appeal B is allowed, and express consent is granted for the display of two LED digital illuminated displays on either side of a "Pulse Smart Hub" at the pavement outside 38 Lands Lane, Leeds, LS1 6LB in accordance with the terms of the application, Ref 24/04135/ADV. 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 the following additional conditions:

- 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 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)
- 7) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, or so as otherwise to render hazardous the use of any highway.

Procedural Matters

3. The two appeals relate to the same site and are intrinsically linked to each other as the two advertisements are on either side of the "Pulse Smart Hub". I have considered each on its merits but as they raise similar issues, I am writing a single decision letter addressing both.
4. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. Thus, 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 a material consideration.

Main Issues

5. The main issues in the appeals are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of Leeds City Centre Conservation Area and the effect of the proposed development on the setting of nearby Listed Buildings and Structures; and

- The effect of the proposed development on pedestrian and vehicle movements and safety in the vicinity of the appeal site.

Reasons

Character and appearance of the conservation area and setting of Listed Buildings and Structures

6. The appeal site is located at the northern end of Lands Lane, not far from its junction with The Headrow. Lands Lane is a busy, largely pedestrianised, thoroughfare. The site is also located within the Leeds City Centre Conservation Area and the proposal would be approximately 1.86m from the façade of Thorntons Building – a Grade II Listed Building. Thorntons Arcade, also a Grade II Listed Building lies to the south and at the entrance to Swan Street is a listed nineteenth century bollard.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Whilst this statutory duty only applies to Appeal A, nevertheless the fact that the advertisements would be located within the setting of listed buildings is a relevant material consideration in considering the effect of the proposed advertisements on amenity.
8. Section 72 of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. This statutory duty applies to both appeals.
9. The conservation area covers a significant part of the civic and commercial core of the city centre and includes many fine Victorian and Edwardian buildings that reflect the industrial activity, commercial prosperity and civic pride of the time. Its significance lies in part in that it shows the rapid growth and prosperity linked to this period of the city's development. The significance of Thorntons Building and Thorntons Arcade lies predominantly in their value as attractive examples of Victorian commercial buildings, their contribution to the street scene and their links to Charles Thornton and the role he played in the development of Leeds as a shopping centre.
10. In the vicinity of the site the area is densely developed with large commercial buildings. The eastern side of Lands Lane contains a number of older buildings, whilst the western side consists largely of a modern retail complex which also turns the corner with The Headrow. This is mostly vacant, and the Council's evidence indicates it is to be redeveloped for a mixed use scheme.
11. Thorntons Buildings is an L-shaped building that has its longest façade facing The Headrow, a rounded corner, and a shorter façade on Lands Lane. The ground floor has a modern shop front but the upper floors exhibit fine architectural detailing. Between this and Thorntons Arcade is a modern, 3 storey brick and concrete commercial building of little architectural merit, whose upper floors extend over Swan Street. Few of the historic buildings retain original shop fronts.
12. Lands Lane contains a variety of street furniture which is predominantly located on the eastern side of the street. The most significant collection of this being at its

northern end and includes a row of bollards across the street limiting vehicular access for much of the day, a CCTV camera, litter bins, benches, equipment cabinets and digital wayfinding information units. Similar street furniture, together with bus stops, street lights and cycle stands, are found on The Headrow, adjacent to the other façade of Thorntons Building. In addition to this fixed street furniture, tables and chairs associated with the coffee shop in Thorntons Buildings are found along the Lands Lane frontage of this shop. The somewhat chaotic and random distribution of these creates a degree of visual clutter to the entrance to Lands Lane, not created by the other street furniture in the area.

13. Overall, the character of the area is predominantly one of a modern commercial city centre interspersed with attractive older building and the setting of the listed buildings in the vicinity of the appeal site has already altered significantly.
14. The proposed unit would be located adjacent to the two existing bins and would follow the general position for street furniture along the eastern edge of the road. It would, therefore, be seen in the context of this existing street furniture and the nearby bollards and bench. Although slightly larger, the proposal would have a similar character and design to the wayfinding units. As a result, it would not appear as an incongruous feature in the street scene and its limited footprint means it would not add significantly to the amount of street furniture in the area either physically or visually.
15. Given the modern shop fronts at ground floor level, the main interest in the Listed Buildings is in the architectural detailing on the upper floors. The height of the proposed unit is such that it would not, either on its own, or in combination with the existing street furniture, disrupt views of these floors or detract from the contribution they make to the character and appearance of the area.
16. The advertising would no doubt draw the eye as it is intended to do but no more than some of the advertising found on nearby shops. The unit would not obstruct views northwards out of the conservation area towards the large modern building on the northern side of The Headrow to any significant degree and the adverts would no more detract from this view than the lights associated with the automatic barriers.
17. The Listed bollard is not a significant feature in the street scene. The distance that would be maintained to this and to Thorntons Arcade, together with the intervening modern street furniture means the proposal would have no perceptible impact on their setting. In the context of the already significantly altered setting of Thorntons Building, the proposal would be seen simply as another piece of modern street furniture.
18. Consequently, I consider the proposal would preserve the character and appearance of Leeds City Centre Conservation Area and the setting of the Listed Buildings and structure. Therefore, and although they are not determinative in relation to Appeal B, it would not conflict with Policies P10 and P11 of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted November 2014)* (LCS) or Policies GP5 and BD8 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* (UDP) which seek to ensure that developments protect and enhance existing historic assets and townscapes and the general amenity of an area and that signs are sensitively located in the street scene.

Pedestrian and Vehicular movements and safety

19. For the majority of the day Lands Lane is a pedestrianised street, with deliveries allowed only between the hours of 7pm and 10.30am. This is enforced by bollards across the street to the south of the appeal site. At the northern end of the street different surface treatments mark the notional footways on either side from the central area.
20. Currently, a considerable stretch of the 'footway' on the western side of the street is covered by scaffolding and hoardings around "The Core". In addition, the seating area associated with the coffee shop on the eastern side, prevents the use of the footway from the junction with The Headrow to close to the appeal site. Although I anticipate the tables and chairs are moved when the shop is closed, the opening hours coincide with some of the time when deliveries are permitted. Therefore at present pedestrians, including those with impaired mobility, have to use the central part of the street, including during the hours when deliveries are being made. I have not been provided with any evidence to indicate that this is giving rise to any problems with safety or the movement of pedestrians and vehicles.
21. The proposed unit would be 1.86m from the façade of the adjacent building. Whilst this is less than the 3m the Council indicate is necessary for a footway in an area of heavy footfall, the existing notional footway does not meet this standard at present. In any case, the proposal would not impact on the width of this area. Given the street is fully pedestrianised at the times when footfall is heaviest, there is sufficient space for pedestrian movement and this would remain the case.
22. The proposed unit would be located adjacent to two existing bins but would be wider than them, and so would project further into the centre of the street. It would reduce the gap between the end of the café's seating area and the bins, but given its limited footprint, the impact of this on pedestrian movements would be minimal. At present, the size of this gap means it is a route unlikely to be used by those with any kind of impaired mobility, and the direct access to the adjacent shop between the bins and nearby bollard would remain unaffected.
23. The presence of the existing street furniture means that delivery vehicles have to park in the central part of the street. The limited footprint of the proposed unit would not significantly affect the amount of space they have to park and so would not cause any significant displacement of these vehicles or any significant loss of space for pedestrians. Whilst the presence of the temporary hoarding on the western side of the street reduces the amount of space available when a delivery vehicle is parked, the affect the proposal would have on the space available for pedestrians at such times would be negligible.
24. Although the proposal is larger than some of the existing street furniture, its size is not such that it would cause any unacceptable obstruction of views of vehicles for pedestrians. Given the environment they are in vehicles are likely to be travelling at slow speeds and good intervisibility between approaching vehicles and pedestrians would remain.
25. Whilst advertising is designed to attract attention, this is a commercial environment where advertising is commonplace and expected. Given this and the slow speeds vehicles will be travelling, the presence of the static advertising displays on the unit

would not, in my view, significantly distract drivers or unacceptably increase the risk of accidents.

26. It has been suggested that the proposal would conflict with the agreed cycle parking proposals for The Core Shopping Centre. However, as I have been provided with no evidence as to what these proposals are or where they are to be located, I give this no weight.
27. Overall, I consider the proposal would not cause harm to the safe movement of pedestrians and vehicles in the vicinity of the appeal site. Therefore, there would be no conflict with Policies T2 and P10 of the LCS or Policy GP5 of the UDP which seek to ensure developments create a safe and secure environment for pedestrians, cyclists and people with impaired mobility and maximise highway safety.

Other Matters

28. The Council have highlighted that Lands Lane is part of the protected Civic Space as designated in Policy GS6 of the LCS and Policy GS1 of the *Leeds Site Allocations Plan (adopted July 2019) (as amended January 2024)*. I have concluded above that the proposal would not add significantly to the amount of street furniture in the area either physically or visually. Therefore, I consider it would have a negligible impact on the Protected Civic Space. In this regard, the Council drew my attention to recent appeal decisions¹ for a telephone kiosk on a nearby street that is also in this designation. However, the decision indicates this was to be located in an area currently free of street furniture, which is not the case in this appeal. As such, the circumstances do not represent a direct parallel to this appeal.

Conclusion and Conditions

29. For the reasons set out above, I conclude the appeals should be allowed.
30. For Appeal A no conditions were suggested by the Council, nevertheless as well as the standard implementation condition I have imposed a condition specifying the relevant plans as this provides certainty.
31. For Appeal B as well as the standard conditions for advertisements, in the interests of highway safety conditions are required: 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 during hours of darkness and at other times to ensure they respond to the ambient light levels; and to ensure it does not obscure or hinder interpretation of road signs. I have amended the wording of the last of these to take account of the fact that the site is not near a railway, waterway or aerodrome.

Alison Partington

INSPECTOR

¹ Appeal References APP/N4720/W/23/3322404 and APP/N4720/H/23/3322401