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Ref: HD 101

APPLICATION FOR EXPRESS CONSENT: TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

INSTALLATION OF 1 x 48 SHEET GABLE MOUNTED DIGITAL ADVERTISING DISPLAY UNIT

AT 122 LOCKWOOD ROAD HUDDERSFIELD HD1 3QX

Dear Sir / Madam

This statement is submitted in support of an advertisement application by my client, Vivid Outdoor Media Solutions (A) Ltd, which seeks express planning consent to erect a single gable mounted 48 sheet digital display unit at the above site. The statement should be read in conjunction with the following documents which are submitted in support of the application:-

- Express Consent Application Form
- Planning letter statement (this document)
- HD 101 HLR1 Site Plan at 1: 500
- HD 101 HLR2 Location Plan at 1:1250
- HD 101 HLR3 Specifications Drawings 48s Digital Display Unit
- HD 101 HLR4 Existing Elevation
- HD 101 HLR5 Proposed Elevation with 48s Digital Display Unit (Photomontage)
- HD 101 HLR6 Crash Map Statistics 2017 to 2021
- HD 101 HLR7 Gelderd Rd No 84 Consented 48s Digital Display
- HD 101 HLR8 Gelderd Rd No 96-98 Consented 48s Digital Display
- Planning Fee paid via Planning Portal

The application seeks the following:

"Installation of 1 x 48 sheet gable mounted digital advertising display unit"

SITE AND SURROUNDING AREA

The application site is located within the Lockwood Local Centre on the Kirklees Local Plan (adopted 27th February 2019), and faces onto A616 Lockwood Road, which is one of the main southern corridors to and from Huddersfield town centre.

Lockwood's character is defined by a mixture of uses and appearances. These include retail, residential, and commercial buildings being seen in close proximity to one another. The street scene displays an array of illuminated and non-illuminated advertising signage in the form of fascia signs, banners, totem signs and advertisements on street furniture such as bus shelters.

The application property has historically been a local retail premises, and in recent years has been occupied by a pizza takeaway business. The building is set back from the road and is a large two-storey property which is typical of the buildings that reflect the practical character of the area.

The property does not have an extensive planning history, and there is presently no advertising display at the application site. However, the Applicant believes that historically there have been hoarding displays at the location, and in recent years the north facing gable has displayed advertising signage relating to the business on the premises.

The application site is situated within a sustainable built up existing commercial locality, and it is therefore an appropriate location to sustain the application proposal for a digital advertisement. It is considered that the proposed display broadly reflects the example given in the Planning Practice Guidance (PPG), insofar as it is in a predominantly commercial area of large open scale. The street scene is typical of a commercial area where roads pass through a built up area with development, activity, signage and advertisements on all sides, and the proposed advertisement would not impact visually on the character and appearance of the surrounding area.

It is suggested that the proper consideration for the purpose of this application is to measure the proposal against Government advice and the decisions made to grant consents for similar 48 sheet digital advertisements in the locality and areas of other neighbouring local authorities. National and local guidelines would appear to favour the generality of the application site and surroundings as suitable for this form of digital advertising.

The proposed advertisement scheme would face onto an urban highway and a streetscene comprising a mixture of uses and appearances, where the impact of the display is commensurate with its setting. As such, the proposal at this site should be acceptable in principle. It is acknowledged that there are some residential dwellings in the locality, however, these properties are considered to be sited at a significant distance from the application site, and any views of the proposed display from these premises would be oblique and incidental, as the display would not face directly onto these properties. No harm to the occupiers of these premises by way of loss of light or outlook is likely to occur, and so the proposed display would not have any significant detriment to residential amenity.

It does not automatically follow that illuminated advertisements would have a detrimental impact on residential amenity in an area such as the application site. The locality is an urban area of mixed use, where commercial uses and other urban characteristics would be expected to prevail, and these would typically co-exist alongside residential uses.

To ensure that the proposed display operates without harming either visual amenity or public safety, the Applicant recommends that the proposal adheres to the schedule of planning conditions which are set out at the end of this letter.

The application site does not lie within the conservation area or any other statutorily designated sensitive area. There are no heritage assets within close proximity to the site where their setting would be adversely affected by the proposed advertisement display. It is therefore considered that the application proposal will not harm the visual amenity of the surrounding area.

APPLICATION BACKGROUND AND PROPOSAL

As a result of the shift from traditional advertising formats to digital display screens, digital advertising has become more common on key arterial routes in most towns and cities across the country. Many local authorities have encouraged the development of high quality and innovative advertising structures sited in prominent locations to mark town and city boundaries and enhance iconic commercial and retail locations. They recognise the potential benefits that advertising can bring to local businesses and communities by allowing them to advertise their products and services on these digital sites.

The application proposal is for a high quality digital advertising display that would not detract from the character of the surrounding area, but would in fact complement the Council's plans for development by providing a feature that will be impactful, distinctive and modern.

The immediate environment of the application site is largely influenced by the predominantly commercial buildings and the wide highway network in an area, which can accommodate advertisements without any adverse effect upon visual amenity.

Landmark advertising sites can help to stimulate the local economy, as well as adding interest to the street scene, bringing colour to drab areas, making areas safer at night through better illumination, and screening eyesores.

The development of digital advertising across the country is a positive response by the outdoor media industry to the Ministerial forward in the National Planning Policy Framework (NPPF), which states that, *"development means growth and we must respond to the changes that new technologies offer us."* The NPPF states further that *"advanced, high quality communications infrastructure is essential for sustainable economic growth"*.

The clear thrust of the above-mentioned national policy, which is a material consideration in planning decisions, is that those involved in development and development control need to respond to the changes and innovations offered by new technology.

In addition, there is a presumption in favour of *'sustainable development'* at the heart of the planning system, which should be central to the approach taken to both plan making and decision taking. The national presumption in favour of *'sustainable development'* means that unless there are specific adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal, it is considered that the Council should take a positive approach that reflects the presumption in favour of *'sustainable development'*.

'Sustainable development' is usually defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Advertising panels comply with this definition, as they are patently needed by advertisers and businesses, contribute to the economic health of the country, and can be easily removed without any trace and so not compromise the future.

As the application site is within the Lockwood Local Centre, it is considered to be a sustainable location where there is a presumption in favour of sustainable development, and is therefore compliant with the policies of both the NPPF and Local Plan, by contributing towards the development of a mixed and sustainable community.

In this context, it is considered that the proposed advertisement display would not appear out of place. It would be a modern feature which suitably reflects the practical character of the area. Local policy recognises that advertising is an important part of commercial activity, in particular for retailing, which relies on external advertisements or signage to communicate information to sell goods or services. Advertising is a prominent feature in modern society, and it will have an important role to play in the revival of local and national economic activities in the *'post pandemic'* period.

It is proposed to install a 48 sheet LED display unit measuring 6.2m wide x 3.2m high, presented in landscape format, and sitting approximately 3.6m to the underside above ground level. It would replace the existing illuminated printed PVC sign, which measures 3.1m wide x 1.5m high.

The proposed advertisement would comprise a pressed metal frame in which the sealed LED 'tiles' are mounted. The tiles contain diodes which emit light to create an image. The images would change once every 10 seconds in a sequential manner, and very importantly, would be of a static nature. The interchange between each image would be virtually instantaneous. The advertisements would not contain any movement, animation or special effects.

The display would be controlled remotely via a dedicated internet connection and computer software that controls every aspect of the display in real-time, including brightness, timing of each image, transition time between each image and transition method etc. The light which the display radiates would not be significant in the street scene, as the proposed display would be located in close proximity to other sources of illumination, as well as the street lighting, which emits a considerably higher intensity of light.

To ensure that the display operates without harming either visual amenity or public safety, the Applicant recommends that the proposal adheres to the schedule of planning conditions which are set out at the end of this statement. They reflect best practice guidance and are consistent with the conditions applied to recent digital consent decisions issued by the Council and other LPAs across the country.

Illuminated digital advertisements in a location such as the application site would not be unusual and is exactly the kind of place where one would expect to find one, and is therefore in line with the guidelines set out in the NPPF relating to the location of advertisements in commercial areas.

Relevant national and local planning policies favour advertising panels in commercial areas where their impact is appreciably less. The application proposal represents a forward thinking aspiration and a commitment to achieving a long term and sustainable future for outdoor advertising at this location.

Primarily the proposed digital display unit at the application site would be used to advertise commercial products and services of local and national businesses. However, the technology would provide the flexibility to display local messages relating to Council, highway or emergency safety information if required. Local businesses would be able to access the display unit to raise their profile and generate an increase in their business activities, and so support the local economy and employment in the area.

VISUAL AMENITY

The meaning of amenity can be wide ranging, but in the context of assessing advertising, it is usually defined as being the impact on visual amenity in the immediate neighbourhood. As such, the local characteristics of the site are material in assessing the proposal's impact. The character and appearance of the application site is predominantly commercial, and is dominated by the highway location which has an open and spacious feel.

The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective, and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment.

In addition to the presumption in favour of sustainable development, the NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas and the way they function.

In assessing visual amenity, regard needs to be made to the cumulative effect that the advertisement may have on its surroundings. Relevant considerations for this purpose include the local characteristics

of the neighbourhood, including scenic, historic, architectural or cultural features which contribute to the distinctive character of the locality.

It has already been stated that the application site is not located within a conservation area or an area of special advertisement control, and there are no heritage assets within close proximity to the site where their setting would be adversely affected by the proposed display. It is therefore considered that the application proposal will not harm the visual amenity of the surrounding area.

High quality advertising locations have been selected in order to support the increased level of investment required for the new digital technology. Local businesses and well-known brands always want to be associated with quality design in the right locations to reach their customers, and this has been demonstrated by the development of hundreds of 48 sheet digital screens across the country.

Digital advertisements of the size and design proposed in the application are now a common sight on arterial roads in most urban areas. In fact there are now over 1,000 48 sheet digital display sites in operation across the UK, ranging from cities as large as London to towns as small as Ilfracombe. The application proposal is therefore considered to be consistent with current market requirements and planning developments.

The Council is familiar with the concept of digital advertising, and there are many examples across the Kirklees Council area, where the Council has approved the introduction of digital advertisements of various sizes and formats.

The following two sites are examples of locations where the Council has decided that a digital advertisement would be appropriate in the locality of the site. It is acknowledged that both sites are located in the Birstall area of Batley, however, this area is within the boundary of responsibility for the Kirklees Council planning authority, as is the case with the application site. The Applicant would therefore expect the Council to adopt a consistent approach to the assessment of similar advertisement applications, in respect of any potential impact on visual amenity and public safety. The Applicant believes that proper consideration for the purpose of the application scheme is to measure the proposal against Government advice and consent decisions for similar applications, and also to assess the reality of the site and its surroundings. This will ensure that there is consistency in decision making, and the interpretation of the national guidelines relating to the impact of digital advertisements on visual amenity and public safety.

Relevant Planning History

App. Ref. No. 2020/64/93289/E dated 26/11/2020: ADVERTISEMENT CONSENT FOR THE ERECTION OF 1 x 48s DIGITAL ADVERTISEMENT BOARD at - 84, GELDERD ROAD, BIRSTALL, BATLEY, WF17 9QB

A Copy of a site photo has been submitted with the application as support document **HD 101 HLR7 – Gelderd Road No 84 Consented Digital 48s**

In this case the Officer confirmed the suitability of the location for displaying digital advertisements by concluding in the Officers Report that ***“In this instance, the proposed signage, due to its position, design and scale would not result in any detriment to amenity or public safety. As such, the proposed advertisements are considered to comply with paragraph 132 of the NPPF, Policies LP24 and LP25 of the Local Plan in terms of achieving good design and well-designed places”.***

App. Ref. No. 2021/64/94039/E dated 16/12/2021: ADVERTISEMENT CONSENT FOR THE ERECTION OF 1 x 48s DIGITAL ADVERTISEMENT BOARD at - 96-98, GELDERD ROAD, BIRSTALL, BATLEY, WF17 9LP

A Copy of a site photo has been submitted with the application as support document **HD 101 HLR8 – Gelderd Road No 96-98 Consented Digital 48s**

In this case the Officer confirmed the suitability of the location for displaying digital advertisements by concluding in the Officers Report that ***“Whilst the proposed advertisement is to be attached to a residential property and adjacent to a highway.....it is considered appropriate in the proposed location”***.

Extant permissions are in place to install 48 sheet digital displays at the two sites, and the sites are therefore pending development (as far as we are aware). However, they are considered to be relevant to the application proposal, as they mirror the application site in terms of size, scale and landscape orientation, and the same operational characteristics of digital illumination and static advert images. As the sites are pending development, the site photos have been submitted as photomontages of the sites.

It is considered that there are other similarities between the two consented sites and the application proposal: namely that all three proposals involve the installation of gable mounted displays on the off side of the road, and are all positioned on blank gable elevations of the host buildings, which have no features of architectural significance. The displays are installed at a reasonable height, and road users would view the advertisements against the backdrop of the large gable elevations, and within the extent of the gable elevations' extremities. Although the displays would be a stark contrast to the otherwise muted tones of the buildings' weathered gables, the surface area of the display panels equate to only a limited proportion of the gables themselves. However, suitably worded conditions regarding luminance levels would in any event provide daylight variable controls over the brightness of the advert images.

The purpose of referring to the above mentioned examples is not to highlight a matter of precedent in a planning sense as we acknowledge that each case should be considered on its own merits. But it is considered that they help to illustrate how the Council in other cases have made judgments on the impacts of digital advertising displays in relation to visual amenity and public safety, and how it is important to have consistency in decision making and the interpretation of the national guidelines relating to the impact of digital advertisements.

Lockwood Road is a well-lit, busy urban corridor which runs through a predominantly, but not exclusively, commercial area. The proposed display would be in view when travelling in a south-bound direction for a reasonable length of time and distance. It is acknowledged that the advertisement would draw the eye, but its proximity to the highway boundary simply reflects its function to display the advertising to passing traffic, rather than being overly prominent. The display would be assimilated into the context of the surrounding urban area and would not be harmful to the amenity of the locality.

The proposed display would be digitally illuminated, however, the light does not radiate in the same way as externally illuminated displays. In this regard the illumination only highlights the matter contained within the display. We do not consider that the proposal would be significant in the street scene as the display is located in close proximity to other sources of illumination and street lighting, which emit a considerably higher intensity of light.

It can be seen from the site photos submitted with the application that the siting of the proposed advertisement will have minimal visual impact, as the basic outline of the host building would still be clearly seen. Given its size, height and location against the backdrop and the commercial street scene, the impact of the display unit would be diminished.

Policy PLP25 of the Local Plan sets out that the display of advertisements will be permitted if they satisfy the following criteria:

- a. The design is consistent with the character of the existing building in terms of scale, quality and the use of materials;*
- b. Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest.*

It is considered that the proposed display would have limited harm on the character of the area and has no impact on the street scene, as it would integrate well with the character of the neighbouring properties. As such it is considered that the proposal would not be detrimental to the character of the

surrounding area and is of a high quality design that integrates well with the existing character of the host building. It would therefore comply with the policies of both the NPPF and Local Plan,

PUBLIC SAFETY

With regard to public safety, this principally relates to the effect of advertisements upon the safe use and operation of any form of traffic or transport. The main issue for consideration is whether the digital display or its location is likely to be distracting and capable of being a hazard to public safety.

When assessing the public safety implications policy guidelines state that *“LPAs will assume that the primary purpose of an advertisement is to attract people’s attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.”*

The proposed display unit will be located so that it will not interrupt the visibility of any highways. Therefore it is logical to assume that the location and the display itself will not cause any distraction or confusion to any road users who are taking reasonable care for their own and others safety.

At the point of the application site the highway is well-lit, providing excellent forward visibility on approach to the site, allowing drivers to glance at any advert far in advance without being distracted from the road ahead. Under these circumstances such a familiar urban feature would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care.

Research on roadside advertising demonstrates that drivers always give priority to the driving environment, taking in non-essential information, according to road conditions and whether there is sufficient *‘spare capacity’* to perform such tasks. Where external stimuli are present in demanding circumstances drivers tend to adopt a *‘glance’* strategy taking repeated short duration views of less than one second to either side of the vehicle’s path, but maintaining awareness of vehicle conditions. There is no conclusive evidence to show that a correlation exists between advertising and road safety.

“Research has shown that the period of change between adverts is an area where there could be some additional distraction to drivers. The intervals between successive displays should be essentially zero, as a slow merge or bright-dark-bright sequence is more visually compelling than a bright-bright sequence and hence has more potential for distraction”. (***Guidance for Digital Roadside Advertising and Proposed Best Practice*** - Transport for London (TfL) document 2013).

Illuminated advertisements are now a common sight on main arterial roads and as such, are not an unusual distraction for drivers. Drivers are used to distractions in urban areas, whether it be buildings, shop fronts, traffic signs or other adverts. The proposed display would be no different in terms of attracting a driver’s momentary attention and would not impact on the driving task.

Electronic digital displays represent the latest form of outdoor advertising technology, and digital signage is also in widespread use across the UK to convey road safety messages to drivers. There is no reason to suggest that a responsible driver would be distracted by this type of digital signage, or the type of digital advertisement proposed in this application.

Digital advertisements are highly controllable and it is therefore possible to provide recommendations to manage the level of distraction by control of type, brightness, form of change and interval between advertisements

The main consideration when assessing the potential impact to highway safety is whether the proposed display will obscure or interfere with any traffic signals or other road signs. It can be seen from the site photos submitted with the application that the proposed displays will not be sited in close proximity to any traffic signals or road signs.

Planning guidance advises that all advertisements are intended to attract attention, but those situated where drivers need to take more care are more likely to affect public safety – e.g. at traffic light controlled junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossings or other places where local conditions present traffic hazards. None of these distraction factors are present at the application site.

The proposed display unit would incorporate changing images with a smooth, uninterrupted transition from one static image to another (there would be no moving images, animation, intermittent or full motion video images). It will be capable of changing new adverts every ten seconds depending on how the advertising space is sold. This is in line with standard industry units for sale of advertising space, and in compliance with the outdoor media code.

It is suggested that the matter relating to luminance levels can be controlled with the necessary planning conditions being applied to the site. The brightness will be controlled by light sensors to vary the brightness of the screen according to the brightness of the day. The light sensors will also ensure that the level of luminance of the advertisements is sensitive to the change in daylight from sunrise to sunset and from summer to winter.

There is no evidence to suggest that the accident record is a poor one at the location of the application site. In fact road traffic accident statistics from **Crash Map** over the five year period from 2017 to 2021 show that there has been no incidents recorded during this period on the approach to the application site. The data provided by **Crash Map** has been accessed from the records of the Department for Transport, and a copy has been submitted with the application as support document **HD 101 HLR6 -- Crash Map Statistics 2017 to 2021**.

Taking into account planning guidance, and comparisons with similar consented digital displays across the country, it is considered that the application proposal to introduce a modern digital display unit at this location is not likely to distract drivers' attention, nor lead to an increase in the risk of accidents. An analysis of road traffic accident statistics before and after the introduction of digital displays at similar locations across the country has shown that this has not led to an increase in accident levels in the vicinities of these sites. It is considered that the proposed display unit would not represent an unusual feature to passing motorists, and it should therefore be easily assimilated by them as part of the general streetscape and character of the area.

Any concerns that the Council may have regarding the digital form of illumination would be addressed by granting consent subject to the following conditions, which are now widely accepted by LPAs across the country as standard for the control of digital displays and reflect best practice guidance in the outdoor industry.

Suggested Conditions

- The maximum level of illumination should be no more than 300 c/m2 during hours of darkness (dusk until dawn), in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 2015 recommendations for maximum luminance (cd/m2).
- The luminance level of the display should be controlled by ambient environmental control, which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level
- The approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
- No individual advertisement on the digital screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.

- There shall be a smooth uninterrupted transition from one image to another. Transitions shall be of not less than one second between static images, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

CONCLUSION

It is considered that the site is an appropriate location for a landmark advertising display and we trust that Kirklees Council will support the application, and that express planning consent will be granted accordingly.

The application proposal is submitted in the context of national and local policies which support high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Illuminated digital advertisements in a location such as the application site would not be unusual, and it is exactly the kind of place where one would expect to find advertisements of this scale and design.

An electronic bank transfer for the sum of £462 (plus £32.20 admin fee) will be made payable to Kirklees Council via the Planning Portal to cover the cost of the advertisement consent application.

I trust you will find the above application is in order, and we look forward to receiving your acknowledgement in due course.

Yours faithfully

Chris Welbourne
Outdoor Advertising Services