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Wyre Forest District Council
Economic Prosperity and Place Directorate
Wyre Forest House
Finepoint Way
Kidderminster
Worcestershire
DY11 7WF

24th November 2023

My Ref: CW / 9927

Dear Sir /Madam

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

LAND AT 101/102 COMBERTON HILL, KIDDERMINSTER DY10 1QH

PROPOSAL: 1 x 48 SHEET FREESTANDING LED ILLUMINATED ADVERTISING DISPLAY PANEL

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 build a single freestanding 48 sheet LED illuminated advertising display panel on 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)
- CHK1 Site Plan at 1: 500
- CHK2 Location Plan at 1:1250
- CHK3 48 Sheet Panel Specifications Drawing
- CHK4 Existing Elevation (photo)
- CHK5 Proposed Elevation with 1 x 48s LED illuminated display unit (visual)
- CHK6 Crash Map Statistics 2018 to 2022
- Planning Fee paid via Planning Portal

SITE AND SURROUNDING AREA

The application site is located on the southern boundary of a parcel of land, which is utilised as a car parking area to service the host property of the Kidderminster Mirror and Glass showroom and offices. The proposed 1 x 48 sheet LED illuminated advertising display unit would be viewed primarily by traffic travelling south on The Ringway (A451) as it connects to Comberton Hill (A448), which leads from the

east on to the Worcester Cross Ringway Roundabout, where main arterial roads lead out of Kidderminster towards Birmingham, Bridgnorth, Telford and Worcester.

The site lies within the secondary shopping area of Kidderminster town centre, and is close to the town's railway station. It is a highly sustainable location which is bounded on all sides by a street scene where commercial, leisure, residential and public uses are in close proximity.

This is a busy urban area where the overall visual impression of the street scene at this point is one of openness, and where its character is largely influenced by the transport infrastructure, the high traffic volumes throughout the day, and the mixed nature of the surrounding buildings.

The developments on Comberton Hill mainly comprise buildings that have retail and commercial uses on the ground floor with some residential units above these. The mix of retail and non-retail uses in the locality are to be found in a mix of late 19th century terraces and modern developments such as the large rectangular Tesco Express store and the large late 20th century building known as 'George Law Court' in Anchorfields.

National planning guidance provides advice on the types of locations where large roadside illuminated advertising might be considered appropriate, and focuses on the local characteristics of the neighbourhood. It is considered that the application proposal broadly reflects the descriptions offered in the planning guidance, insofar as the application site is in an area of mixed use and large open scale.

The application site does not fall within a conservation area or an area of special advertisement control, and there are no listed buildings in the locality that would be harmed by the proposal.

NATIONAL PLANNING POLICY

The display of advertisements is controlled by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The National Planning Policy Framework provides the national guidance on the control of advertisements and considers that *"advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts"*.

Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Planning Practice Guidance (PPG) states that *'in assessing amenity, the Local Planning Authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the Local Planning Authority would consider whether it is in scale and in keeping with these features'*.

Policy DM.27 of the Wyre Forest District Local Plan (2016 – 2036): Adopted April 2022 requires "signage to not have a detrimental impact upon the amenity of the area or building in/on which they are displayed; not be prejudicial to public safety by reasons of size, location or content, not obstruct a highway or public right of way either directly or through maintenance requirements; and finally not confuse users of the highway, waterways or railways".

Policy DM.24 requires that development should be in scale, height and massing appropriate to the setting and surrounding landscape character and townscape.

Policy SP.20 - Quality Design and Local Distinctiveness requires that all development within Wyre Forest District will be expected to exhibit high quality design. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. New, inclusive and innovative designs will be encouraged and supported where they enhance the overall quality of the built environment.

The application proposal will be assessed against the determining issues of visual amenity and public safety, and it is considered that it complies with the guidance set out in national and local policy, which requires “*high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment*”.

APPLICATION PROPOSAL

The Applicant seeks advertisement consent to erect 1 x 48 sheet freestanding LED illuminated advertising display panel, measuring 6200mm wide x 3200mm high, sitting approximately 2.25m above ground level. The proposed display panel would be slim and elegant, presented in landscape format, and comprising 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.

A photomontage of the proposed display has been submitted with the application as support document **CHK5 -- Proposed Elevation with 1 x 48s LED illuminated display unit (visual)**



Fig 1: Photomontage showing proposed elevation of application site with 1 x 48s freestanding LED illuminated display unit.

The display would be controlled remotely via a dedicated 4G internet connection and computer software that controls every aspect of the display in real-time, including brightness, timing of each image, and the transition time between each image etc. The display would be limited to 300cd/m² at night time in accordance with the Institute of Lighting Professionals best practice guidance; “*The Brightness of Illuminated Advertisements PLG 05/23*”.

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 and street lighting, which emits a considerably higher intensity of light.

As such it is considered that the LED illumination of the advertisement would not cause harm to amenity. The illumination of the display will be regulated by an inbuilt ambient light sensor, to monitor and adjust the luminance of the display area, ensuring it is not overly bright or be a cause of glare at night

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 digital consent decisions issued by the Council and other local planning authorities across the country.

Primarily the display unit 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.

BACKGROUND INFORMATION

There is presently no advertising display at the application site, however, it is considered that this is an appropriate location for a landmark advertising site. Advertising displays of the size and design proposed in the application can be found in all major towns and cities across the UK, and are usually sited in prominent locations to mark town and city boundaries.

Many local authorities have encouraged the development of high quality advertising sites, as they recognise the potential benefits that advertising can bring to the local area. These can include the stimulating of the local economy, adding interest to the street scene, bringing colour to drab areas, making areas safer at night through better illumination and screening eyesores.

The outdoor media industry is now in a period of substantial change, which will no doubt have a positive effect on the built environment. The growing demand for digital media at the expense of traditional printed poster advertising has seen the removal of many low cost billboards sites (both voluntarily and through enforcement action). This has resulted in the focus from media operators shifting to the development of high quality strategic sites on the road network, urban centres and transport hubs.

Rather than the traditional scene of many billboards all in one place and competing for attention, we are now only seeing the best locations being selected that can support the increased level of investment required for the new technology. Local businesses and well-known brands always want to be associated with quality design in the right locations to reach their customers.

The shift towards digital advertisement displays away from traditional formats represents a positive response by the outdoor media industry to the Ministerial forward in the 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 is that those involved in development and development control need to respond to the changes and innovations offered by new technology.

National and local policies recognise 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, when the Council will be active in encouraging more investment in businesses and events across the area.

It is considered that this application should be determined in light of existing policies, and consents already granted for similar LED illuminated advertising displays in the surrounding areas and across the country as a whole.

Illuminated advertisements of the size and design proposed in the application are now a common sight on arterial roads in most urban areas, as it is now widely accepted that '*appropriately sited and well-designed advertising*' may be acceptable in mixed use areas of large open scale. As such, digital advertisements are not an unusual feature in the street scene of most urban areas. In fact in 2015 there were only 45 LED illuminated 48 sheet panels in the UK. There are now over 1500 sites, many of which are new locations such as the application site, and others which were established '*paper and paste*' billboard sites which have been modernised. These display sites are in operation across the country,

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.

Wyre Forest District Council are familiar with the concept of 48 sheet LED illuminated advertising displays, and two examples where consents have been granted recently in Kidderminster for similar 48 sheet illuminated displays can be found at the following sites:-

App. Ref. No. 20/0562/ADV: Installation of a freestanding 48 sheet LED illuminated advertising unit at 1 Comberton Place Kidderminster – granted consent on 25/08/2020.

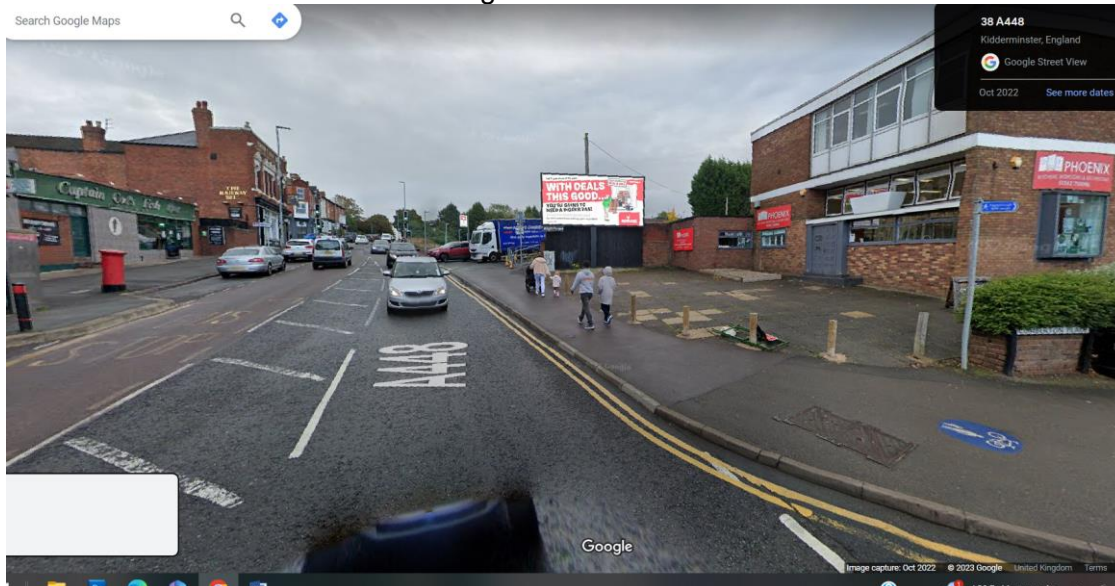


Fig 2: Consented 48 sheet LED illuminated advertising display unit located at 1 Comberton Place Kidderminster.

App. Ref. No. 21/0472/ADV: Installation of a freestanding 48 sheet LED illuminated advertising unit at Coventry Street Kidderminster – granted consent on 20/07/2021.



Fig 3: Consented 48 sheet LED illuminated advertising display unit located at Coventry Street Kidderminster

It is considered that the two examples are relevant to the application proposal, as they mirror the application site in terms of size, scale and landscape orientation of the advertisement, and the same operational characteristics of LED illumination and static advert images.

The purpose of referring to these 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. However, it is considered

that they help to illustrate how judgments have been made in other cases on the impacts of illuminated advertising displays in relation to visual amenity and public safety.

AMENITY ASSESSMENT

The meaning of visual 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 surrounding area of the application site is of mixed use and large open scale.

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 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. As already stated, the application site is not located within a 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.

The mixed use character in this edge of town centre location is considered to be acceptable for an illuminated advertisement display of the scale and design proposed in the application. All new development is expected to be of a high quality and commensurate with its local, natural and built environment. The overall design objective, therefore, is to ensure that the proposed display unit would fit comfortably and sympathetically within the site context and wider street scene. It is considered that the application proposal would wholly reflect, respect and complement the design context and setting of the site without having a harmful impact on the character of the area, in accordance with Local Policy SP.20.

It can be seen from the site photos submitted with the application that that the proposed LED illuminated advertisement will be viewed in the context of the immediate backdrop of large mature trees and established vegetation, which would soften and mitigate its impact, and would also serve to hide and obscure any views that there might be of the rear of the advertising display unit. When seen in this context, the proposed advertisement would not appear overly large, incongruous or obtrusive. It would relate well to the locality in terms of scale because it would be seen in relation to the large mature trees, which tower above the application site and have a commanding presence in the locality and on the skyline.

It is acknowledged that the proposed LED illuminated display unit would draw the eye, but it would be assimilated into the context of the surrounding area. Its proximity to the highway simply reflects its function to display the advertising to passing traffic, rather than being overly prominent. The immediate area of the application site is not affected by any existing similar advertisements, and so it would lend itself to a high quality premium advertising display of the scale and proportions proposed. The proposal would be a new, unique and interesting feature, and would be understood as part of a modern visual context.

The application site is also located close to other sources of illumination and street lighting, which emit a considerably higher intensity of light, and therefore the proposed display would not detract from the visual amenity of the locality, which has an open and spacious feel at the point of the application site.

It is acknowledged that there are some residential dwellings in the locality, particularly at the large development known as 'George Law Court' in Anchorfields, however, these properties are located at a significant distance from the application site and positioned at angles to the proposed advertisement panel. Any views of the advertisement display from these premises would be oblique and incidental, as

the display would not overlook these properties, but would face directly on to the car park area of the host property. No harm to the occupiers of the residential 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.

The proposed LED illuminated advertisement would display a series of static images. It would by virtue of how a LED illuminated unit works, emit light to create an image, however, during the day, there would be no real discernible difference between a digitally created advertisement displayed on the application proposal and that of a traditional printed poster billboard. However, the light that the digital unit emits to create the image on the advertisement would be clearer and sharper. The illumination arising from the LED display would not make it a more prominent feature in the street scene, and it would be regulated by an inbuilt ambient light sensor, to monitor and adjust the luminance of the display area, ensuring it is not overly bright or be a cause of glare at night

The brightness will be controlled by the light sensor to vary the brightness of the advert according to the brightness of day. During the daytime the maximum brightness may increase in order to make the advertisement visible when there is bright sunlight shining on the advertisement, but by contrast on a dull day, the luminance will be reduced as the advert will not need to be as bright owing to the dull conditions. The level of luminance of the advertisement is sensitive to the change in daylight from sunrise to sunset and from summer to winter.

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 Applicant is aware that in other cases of similar application proposals where there is an element of residential use in the vicinity of a proposed site, the LPA has considered that an additional condition should be included with the consent to cover the restriction on the hours of illumination between 23.00 and 07.00, in order to mitigate any concerns relating to neighbouring residential properties. The Applicant would not object to the inclusion of this condition in addition to the recommended 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.

If a consistent approach is being applied when assessing this application, then taking into account the characteristics of the locality, and the comparisons with similar consented sites, it would not be unreasonable to argue that this would be an acceptable location for the display of a 48 sheet LED illuminated advertisement. It would relate well in height, scale and appearance in the street scene and would not appear as an overly large or discordant feature in its particular setting and context.

PUBLIC SAFETY ASSESSMENT

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 illuminated 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, but will not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.*”

The NPPG states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The guidance lists the main types of advertisements that may cause distraction to road users such as signalised junctions, roundabouts, bridges, pedestrian crossings and merges onto classified roads. Research indicates that

LED illuminated roadside advertising is not inherently unsafe. However, sites at locations with increased driver cognitive demand should not immediately be excluded or discounted, but should be subject to detailed assessment. This may include the analysis of the site specific constraints of the location and the reported traffic incidents in the locality.

LED illuminated advertisements are now a common sight on arterial roads in major towns and cities and as such, are not an '*unusual*' distraction for drivers. Drivers are used to distractions in urban areas, whether it be buildings, people, 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.

LED illuminated signage is already in widespread use across the country to convey road safety messages to drivers. Many highway authorities, including Highways England for motorway networks, use illuminated LED panels on their roads in order to display road safety messages. There is no reason to suggest that a responsible driver would be distracted by this type of digital signage, or the LED illuminated advertisement proposed in this application.

The highways in the vicinity of the site are well-lit and provide excellent forward visibility on the approach to the site. This allows drivers to glance at any advert far in advance without causing any confusion or sudden visual disturbances, or 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.

The immediate environment of the application site is largely influenced by the transport corridor, the high traffic volumes throughout the day and the mixed use nature of the land use. The application proposal therefore reflects national policy guidance, insofar as it is in a mixed use area of large open scale.

The planning guidance contained in the ***Planning Practice Guidance: Advertisements, March 2014*** from the Ministry of Housing, Communities and Local Government (MHCLG) replaces a number of older guidance notes and complements the National Planning Policy Framework (NPPF). It recognises that all advertisements are intended to attract attention. At the same time it lists the main types of locations for advertisements that may be more likely to affect public safety such as signalised junctions, roundabouts, bridges, merges onto classified roads, or other places where local conditions present traffic hazards. These types of locations will require more careful consideration, but this does not necessarily mean that advertising will be unacceptable in these locations.

It is acknowledged that the application site is positioned on land overlooking a busy roundabout, but this does not mean that an internally illuminated sign utilising LED technology would be harmful to highway or pedestrian safety at this location. The proposed display would face towards south-bound traffic travelling along The Ringway (A451). The highway is mixed in character and well-lit, providing excellent forward visibility on approach to the site, allowing drivers to glance at any advert far in advance without causing any confusion or sudden visual disturbances, or 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. Consequently, it is considered that the proposed advertisement would not unduly distract highways users and give rise to safety issues.

The position of the proposed advertisement display contained in the application scheme has been carefully considered to have minimal impact on public safety. The fact that the advertisement would be sited in a prominent location on a busy roundabout junction does not automatically mean that it would be hazardous. The proposed LED illuminated display will be located so that it will not interrupt the visibility of any highways, and it is therefore logical to assume that the location and the display unit itself will not cause any distraction or confusion to any road users, or endanger people in the vicinity who are taking reasonable care for their own and others safety.

There are hundreds of examples across the UK where 48 sheet LED illuminated displays have been granted consent in locations where they will be visible from heavily trafficked highways, and in close

proximity to roundabouts. There are obviously far too many of these approved schemes to conveniently list here. However, it is considered relevant to refer to the following two examples in the neighbouring LPA area of Dudley M.B. Council, where consents have been granted for 48 sheet LED illuminated displays in close proximity to roundabouts:-

App. Ref. No. P21/1756: Installation of a freestanding 48 sheet LED illuminated advertising unit at 5 Grammar School Lane Halesowen B63 3SW – granted consent on 04/11/2021.



Fig 4: Consented 48 sheet LED illuminated advertising display unit located at Grammar School Lane Halesowen B63 3SW.

When the Planning Officer in this case made his assessment of the application proposal he concluded that: - ***“The proposed sign raises no highway safety concerns subject to the use of appropriate conditions to restrict the levels of illumination. In this regard, the proposed development would be in accordance with NPPF and Policy D12 Control of Advertisements of the Dudley Borough Development Strategy and PGN No. 11”.***

App. Ref. No. P20/1900: Installation of a freestanding 48 sheet LED illuminated advertising unit at 7 Salop Street, Dudley DY1 3AY– granted consent on appeal on 28/04/2021 (Appeal Ref. No. APP/C4615/Z/21/3271938).



Fig 5: Consented 48 sheet LED illuminated advertising display unit located at Grammar School Lane Halesowen B63 3SW.

The Planning Inspector in this case commented that ***“The National Planning Policy Guidance favours commercial areas for large advertisements where the context includes large buildings and main highways. The site is within an area that is predominantly residential in character. However, the site itself is within a small commercial area that is clustered around the junction with Dibdale Road. The proposed advertisement would display an even spread of illumination that would not appear stark or strident within the context of the appeal site and the level of local street lighting”***.

There is no evidence to suggest that the accident record is a poor one at the location of the application site, and in fact, road traffic accident statistics from **Crash Map** for the area of the application site show that there has been only two recorded incidents over the five year period from 2018 to 2022. A supporting document has been submitted with the application (**CHK6 -- Crash Map Statistics 2018 to 2022**), which shows the road traffic accident statistics for this period.

Crash Map have been developed by a very experienced team of collision analysts and road safety professionals with extensive experience of making road casualty data available to the public. The data provided by **Crash Map** has been accessed from the records of the Department for Transport.

It is suggested that the total number of recorded incidents in the vicinity of the application site represents a very low level of incidents, considering the high volumes of traffic on this part of the transport network. Taking into account planning guidance, and comparisons with similar consented 48 sheet LED illuminated displays in LPA areas across the country, it is considered that the application proposal 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 LED illuminated displays at similar locations has shown that this has not led to an increase in accident levels in the vicinities of these sites.

Any concerns that the Council may have regarding the LED form of illumination would be addressed by granting consent subject to the appropriate conditions outlined in this planning statement. These conditions 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

In addition to the standard conditions required by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, it is proposed that express advertisement consent should be granted subject to the following conditions:

Suggested Conditions

- The maximum level of illumination should not exceed 300cd/m² during twilight and night hours (dusk until dawn), in accordance with the Institute of Lighting Professionals best practice guidance; *“The Brightness of Illuminated Advertisements PLG 05/23”*.
- 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 LED 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 instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

- The hours of illumination shall be restricted between 23.00 and 07.00, in order to mitigate any concerns relating to neighbouring residential properties.

Conclusions

For the reasons set out in this planning statement letter, it is considered that the site is an appropriate location for advertising in terms of both visual amenity and public safety. 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 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.

The Applicant is hopeful that the Council will support this application and that express planning consent will be granted.

An electronic bank transfer for the sum of £462 (plus £64 admin fee) will be made payable to Wyre Forest District 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, however, should you require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully

Chris Welbourne
Outdoor Advertising Services