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My Ref: CW/9886

Dear Sir /Madam

The Town and Country Planning (Control of Advertisements) Regulations 1992 (and 2017 Amendments)

Proposal: 2 x 48 sheet freestanding LED illuminated advertising display units on land adjoining Castle Surgery, Prince of Wales Drive, Neath SA11 3EW

This planning statement is submitted in support of an application for express advertisement consent by my client, Vivid Outdoor Media Solutions (C) Ltd, relating to proposed 2 x 48 sheet freestanding LED illuminated advertising display units on land adjoining Castle Surgery, Prince of Wales Drive Neath SA11 3EW. 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)
- 9886 01 PY4598 001 Location Plan at 1:1250
- 9886 02 PY4598 002 Site Plan at 1: 500
- 9886 03 PY4598 003 Existing North Elevation (Panel 01)
- 9886 04 PY4598 004 Existing South Elevation (Panel 02)
- 9886 05 PY4598 005 Proposed North Elevation (Panel 01)
- 9886 06 PY4598 006 Proposed South Elevation (Panel 02)
- 9886 07 PY4598 007 48s Unit Specifications Drawing
- 9886 08 PY4598 008 Existing View Southbound
- 9886 09 PY4598 009 Existing View Northbound
- 9886 10 PY4598 010 Proposed View Southbound
- 9886 11 PY4598 011 Proposed View Northbound
- 9886 12 Crash Map Statistics 2018 to 2022
- Planning Fee

SITE AND SURROUNDING AREA

The application site is located on a grassed verge area overlooking the car park which services the Castle Surgery on Prince of Wales Drive. The proposed 2 x 48 sheet LED illuminated advertising display

units would be positioned in a '*back to back*' formation, and so each display panel would be viewed as a solus advertisement display by two opposing traffic flows. The layout of the site will therefore not introduce visual clutter in the street scene.

The overall visual impression of the street scene at this point is one of openness with most of the buildings being set back some distance from the highway. The street scene is a typical locality where roads pass through a built up area with development, activity, and signage on all sides as traffic travels to and from the town centre. The application site therefore reflects national planning guidance, insofar as it faces onto a mixed use area of large open scale.

The application site is situated within a sustainable locality of mixed use, and it is therefore an appropriate location to sustain the application proposal for LED illuminated advertisements without having any impact visually on the appearance of the locality.

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 displays.

It is acknowledged that some residential dwellings border the western side of Prince of Wales Drive, 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. 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 displays 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.

LED 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 the scale and design proposed in the application. They would therefore be in line with national planning guidance relating to the location of advertisements, and would be consistent with recent decisions made by the Council to approve applications for similar advertisement developments. These will be referred to in further detail later in this statement letter.

BACKGROUND INFORMATION AND NATIONAL PLANNING POLICY

The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) Regulations 1992 (and 2017 Amendments) which state that advertising should be controlled in the interest of visual amenity and public safety, taking into account any material factors.

Planning Policy Wales (PPW) is the National Planning Policy for Wales. Technical Advice Notes (TANs) supplement PPW and give greater clarification. TAN 7 'Outdoor Advertisement Control' provides advice on how Local Authorities should assess advertisement applications. The Guidance recognises ...*"the importance of advertisements to the national economy and should not stifle original designs or new display techniques"* (Paragraph 4) and confirms that outdoor advertisements can only be controlled in the interests of 'visual amenity' and 'public safety' (Paragraph 6).

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. It has been accepted that LED illuminated displays can enhance iconic town and city centre locations by providing features that are impactful, distinctive, innovative and modern. In addition to making a positive contribution to the street scene, the

application proposal for high quality illuminated advertising displays would reinforce this gateway point on a main arterial road from the town centre, provide benefits to local businesses and communities, and so create a positive image of the town.

The Council has supported the development of high quality advertising sites in commercial areas of large open scale, as they recognise the potential benefits that advertising can bring to the local area. This was highlighted by the recent decisions to grant consent for 48 sheet LED illuminated advertisement displays at the following locations:-

Application Ref. No. P2021/0039 – granted consent on 15/03/2021 by Neath Port Talbot Council -- 64 London Road, Neath, SA11 1LB – 1 x 48 sheet gable mounted LED advertisement display unit.



Fig 1: - Consented 1 x 48 sheet gable mounted LED illuminated advertisement display at 64 London Road, Neath, SA11 1LB

Application Ref. No. P2018/0663 – granted consent on 09/10/2018 by Neath Port Talbot Council – Garage to South of Fabian Way Neath – 1 x 48 sheet freestanding LED advertisement display unit.



Fig 2: - Consented 1 x 48 sheet freestanding LED illuminated advertisement display at Garage to South of Fabian Way Neath

With regards to the extant permission in place to install a 48 sheet LED illuminated display at the above site at Fabian Way the consented development is still pending (as far as we are aware). A photomontage has therefore been submitted to show the consented 48 sheet LED illuminated display on site. However, it is considered that this consented site and the example at London Road are both 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.

The Council has acknowledged that '*appropriately sited and well-designed advertising*' may be acceptable in commercial areas of large open scale without having a detrimental impact on the visual amenity of the surrounding area. The application proposal is therefore considered to be consistent with current market requirements and planning developments, and mirrors the characteristics of hundreds of similar 48 sheet LED illuminated advertisements across the UK which have been permitted in similar urban areas ranging from cities as large as London and Cardiff to towns as small as Ilfracombe and Rhyl.

APPLICATION PROPOSAL

The application proposal consists of a double-sided 48 sheet LED illuminated advertising display, mounted on a two legged support structure, facing traffic along Prince of Wales Drive in each direction. As each display panel would be viewed as a solus advertisement display by two different traffic flows, the layout of the site will not introduce visual clutter in the street scene. Advertising guidelines accept that commercial areas are generally suitable for advertising, and that, where advertising is located within the middle of open spaces, double sided displays can be successful to avoid problems from leaving the rear structures of advertising units exposed.

Each of the 48 sheet display panels would measure 6.2m in width x 3.2m in height and presented in landscape format. The bases of the panels would sit approximately 2.2m above ground level. The proposed display units 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 displays will have no special effects, animation or movement which could increase their visual prominence within the local area). This is in compliance with the outdoor media code. The changeover between adverts will take place instantly in order to minimise the potential for driver distraction.

The structures of the display units are designed to be slim and elegant, and the high quality materials will be hard wearing to ensure the longevity of the structures, and so reduce the amount of maintenance required. The units require no access for internal maintenance or changing of advertising displays. The LED illuminated displays are controlled remotely via a dedicated internet connection and computer software that controls every aspect of the displays in real-time, including brightness, timing of each image, transition time between each image and transition method etc. The screens are also linked to sensors which detect external lighting levels and automatically adjust the screens' level of luminance.

The maximum brightness will always be within the guidelines as set by the Institute of Lighting Professionals (ILP) Technical Note 5 and will be controlled by light sensors to vary the brightness of the screens according to the brightness of day. This will ensure that the levels of luminance of the advertisements are sensitive to the change in daylight from sunrise to sunset and from summer to winter.

The proposed display panels would be set back from the highway and so will not impact on sight lines or road signs/traffic signals. The application site is not part of the public highway, and so it will not cause an obstruction to pedestrians or cyclists

To ensure that the displays operate 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 LED illuminated advertisement consent decisions issued by local planning authorities across the country.

Primarily the display panels 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 panels to raise their profile and generate an increase in their business activities, and so support the local economy and employment in the area. 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 following the '*post pandemic*' period, when the Council will be active in the marketing and promoting of the area, and so encouraging more investment in businesses and events.

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.

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.

Technical Advice Note (TAN) 7 - '*Outdoor Advertisement Control*' advises that poster panels should respect the scale of their surroundings and when displayed on freestanding units alongside the highway they should be related to the scale of surrounding buildings. In the case of the application site, the proposed freestanding advertisements are traditional size roadside poster panels and not of excessive size. The simple rectangular form of the display panels presented with horizontal emphasis would respond well to the backdrop to the application site, and would not obscure or cut across any significant architectural features, and will not harm the visual simplicity of the surrounding built environment.

As already stated, planning guidance would suggest that "*double-sided*" displays in open spaces are more functional and aesthetically acceptable, as each of the rear views of the display units is screened by the other screen fixed to the opposite elevation.

It is widely acknowledged that each case should be considered on its own merits, however, it is also considered relevant to look at comparable sites, in order to establish whether there is consistency in decision making and the interpretation of the Regulations and national guidelines by LPAs and the Planning Inspectorate in relation to the impact on visual amenity.

There are many examples across the UK where consents have been granted for the installation of 2 x 48 sheet "*double-sided*" LED illuminated display units, however, there are obviously far too many of these approved schemes to conveniently list here. However, it is considered relevant to refer to the following

example in Newport, as it mirrors the application proposal in terms of size, scale and landscape orientation, and the same operational characteristics of LED illumination and static advert images. Both the consented site and the application site comprise 2 x 48 sheet freestanding LED illuminated advertising display units installed in a ‘back to back’ formation.

App. Ref. No. 21/0176 - consent for 2 x 48 sheet LED advertisement displays on Land at Langland Park West, Newport NP19 4ED – granted consent on appeal on 15/07/2021 (**Appeal Ref. No. 21/3275129**).



Fig 3: - Consented 48 sheet freestanding LED illuminated advertisement display (Panel 01) on Land at Langland Park West, Newport NP19 4ED in “double-sided” formation



Fig 4: - Consented 48 sheet freestanding LED illuminated advertisement display (Panel 02) on Land at Langland Park West, Newport NP19 4ED in “double-sided” formation

The Planning Inspector in this case commented that *“The surrounding area is in mixed commercial, industrial and residential use. There are a row of dwellings on the opposite side of the dual carriageway, however, due to the presence of the intervening highway and fence screening, these are screened from view and do not read as part of the character of the area surrounding the appeal site. The appeal site itself forms part of a car park to an industrial unit, with a car supermarket on the opposite side of Langland Way. The immediate area is characterised by the industrial units, highway infrastructure with directional signs, traffic signals, road markings and lighting columns present”*.

Consequently the Planning Inspector concluded that ***“The Council has not raised any concerns in relation to the effect of the proposed advertising units on amenity and, taking into account the character and appearance of the area in which the appeal site falls, I see no reason to disagree with this position”***.

It is acknowledged that the proposed advertisement display units would draw the eye, but their proximity to the highway boundary simply reflects their function to display advertising to passing traffic, rather than being overly prominent. The displays would be assimilated into the context of the surrounding area, and would have no detrimental impact on visual amenity and public safety.

The application proposal would be consistent with the relevant policy guidelines which state that developments should be appropriate in terms of scale, mass, height, layout, appearance, materials and relationship to adjoining buildings. The proposed display unit does not obscure or cut across any significant architectural features, and will not harm the visual simplicity of the backdrop to the proposed advertisement.

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.

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 proposals for illuminated advertisements, where there is an element of residential use in the vicinity, 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 relating to the control of LED illuminated displays.

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 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.

It is considered relevant to look at recent decisions to grant consent for similar 48 sheet LED illuminated advertisements. 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

be reasonable to argue that this would be an acceptable location for the display of 2 x 48 sheet LED illuminated advertisements in a 'back to back' formation. They would relate well in height, scale and appearance in the street scene and would not appear as an overly large or discordant features in their particular setting and context.

There must always be larger and smaller items in any urban street scene. There is no good reason why the proposed displays should not form part of this mix. They will be new, bright and attractive features, which would be wholly beneficial to an area which is given over to mixed uses.

TAN 7 draws attention to the importance of advertising to the national economy, and advises not to stifle original designs or new display techniques. Digital information and advertising signs of the type proposed in this application are innovative and can display a whole range of information including public information or can be used for emergency messaging.

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 48 sheet LED illuminated advertisements. They would relate well in height, scale and appearance in the street scene and would not appear as overly large or discordant features 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.*"

National policy guidance states that all advertisements are intended to attract attention but the 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, merges onto classified roads, or other places where local conditions present traffic hazards. Advertisement proposals at such locations will require more careful consideration, however, there are none of these potential features of distraction present in the vicinity of the application site.

In the case of the application site, the proposed advertisement displays would be located so that they will not interrupt the visibility of any highways, and it is therefore logical to assume that the location and the displays will not cause any distraction or confusion to any road users who are taking reasonable care for their own and others safety.

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.

Digital signage is already in widespread use across the country to convey road safety messages to drivers. Many highway authorities 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 digital 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 familiar urban features would not constitute potentially hazardous distractions to anyone exercising a reasonable standard of care.

There is no evidence to suggest that the accident record is a poor one at this location. In fact road traffic accident statistics from **Crash Map** for the area of the application site show that there have been no recorded incidents over the five year period from 2018 to 2022 involving traffic travelling on the long straight stretch of Prince of Wales Drive. A supporting document has been submitted with the application (**9886 08 - 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 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 digital form of illumination would be addressed by granting consent subject to the appropriate conditions outlined below. These conditions are now widely accepted by LPAs across the country as standard for the control of LED illuminated displays and reflect best practice guidance in the outdoor industry.

Suggested Conditions

- The maximum level of illumination should not exceed 300cd/m² during twilight and night hours (dusk until dawn), in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 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 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 application site is an appropriate location for advertising in terms of both visual amenity and public safety. The Applicant is hopeful that the Council will support this application and that express planning consent will be granted.

A payment for the sum of £460 will be made payable to Neath Port Talbot County Borough Council 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.

Should you require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully

Chris Welbourne
Outdoor Advertising Services