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Wrexham County Borough Council
Planning Service
21 Lord Street
Wrexham
LL11 1LG

My Ref: CW/LL 9075

2nd March 2021

Dear Sir /Madam

The Town and Country Planning 1990

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

Re: Land at Counterpoint, Regent Street, Wrexham LL11 1PF

Proposal: Installation of 1 x 48 sheet freestanding digital advertising display unit.

This planning statement is submitted in support of an application for express advertisement consent by my client, Alight Media Ltd, relating to a proposed freestanding 48 sheet digital advertising display unit on Land at Counterpoint, Regent Street, Wrexham LL11 1PF.

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)
- LL 9075 01 Location Plan at 1:1250
- LL 9075 02 Site Plan at 1: 500
- LL 9075 03 Existing Elevation
- LL 9075 04 Proposed Elevation with Digital 48 sheet display unit
- LL 9075 05 2 Legged Support Structures Specifications
- LL 9075 06 Digital 48s Unit Specifications
- LL 9075 07 Grosvenor Road Conservation Area (Map)
- Planning Fee paid via Planning Portal

The application seeks the following:-

“Installation of 1 x 48 sheet freestanding digital advertising display unit”.

Site and Surroundings

The application site is located on a strip of land on the northern boundary of a forecourt area fronting the Counterpoint Retail Park. The site was formerly a petrol filling station which ceased trading in 2007 and was subsequently demolished. Having remained vacant for a number of years, the site was developed in 2014 with the erection of commercial units which are currently occupied by *Majestic Wine* and *bkoncepts* kitchen showroom. This commercial development was approved (**App. Ref. No. WRO P/2013/0120**), and considered to be in keeping with the surrounding area, which includes an adjacent site occupied by the Wrexham Central Retail Park and was allocated in the Unitary Development Plan (UDP) as Mixed Use.

The location is highly sustainable with the principle shopping street of Wrexham town centre located 300m away, and which provides a wide variety of local services and facilities. Wrexham General Railway Station and the Royal Mail sorting office are located directly opposite the site, and both Wrexham Football Club and Glyndwr University are within walking distance of the site.

The closest residential properties to the site are located some 200 metres to the south east, and the amenity of these occupiers will not be detrimentally impacted by the application proposal.

The application site is bounded by Regent Street to the east, railway lines to the west and the Wrexham Central Retail Park to the south west, and the site is not located within a conservation area or an area of special advertisement control. A copy of the Grosvenor Road Conservation Area Map has been submitted with the application as support document **LL 9075 07**, which clearly shows that the site is located outside the boundary of the Conservation Area.

The proposed advertisement display will be directed towards the south, and the only heritage asset in proximity to the application site is the Grade II listed railway station located on the east side of Regent Street, however, the approved commercial development at Counterpoint was considered by the Council to have minimal impact on this listed building.

It is considered that the modular design of the slim and elegant display unit would complement the modern commercial units in the immediate area, and would also have no detrimental impact on the character and appearance of the surrounding area.

The application site broadly reflects the description of acceptable locations for large advertisements given in national and local planning guidance, insofar as it is in a 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, and signage on all sides. It is therefore considered that the application site is the type of area where large advertisements of the scale and design proposed in the application would be acceptable.

Application Proposal

There is presently no advertising display at the application site, however, there is an existing 1 x 48 sheet freestanding digital display unit located approximately 75 metres south on the same host property. This display was granted consent on appeal (**APP/H6955/H/20/3261337** dated 08/12/2020) after the Council had originally considered but refused the application on 05/10/2020 (**P/2020/0488**). This advertising display unit is now in situ and fully operational.

There are some striking similarities between the application proposal and the consented display, however, the proposed display unit would not be viewed at the same time as the existing unit, as they face opposite directions, and they would therefore be viewed by traffic travelling in opposite directions on A541 Regent Street. The degree of separation between the two display units would avoid an appearance of clutter. It is therefore considered that the proposed advertisement display would not adversely affect the visual amenity of the area.

The previous application was submitted by the same Applicant, who was unable to obtain a copy of the Case Officer's Delegated Report relating to the refusal decision. However, as a result of email

correspondence between the Applicant's agent and Simon Greenland (Planning Officer) and receipt of the decision notice, it was established that the LPA's reason for refusal was solely on the grounds of visual amenity, and particularly the detrimental impact on the character of the Wrexham (Grosvenor Road) Conservation Area.

It was made clear in the Applicant's planning statement that the site is located outside the boundary of the Conservation Area. However, the reason for refusal appeared to be based on the recommendations of the Conservation Officer, who was concerned that the digital display unit would be seen directly in the context of the Edwardian Terrace, 57-67 Regent Street which forms an entranceway to the Conservation Area.

The Applicant's view that the proposed display would not adversely affect the visual amenity and character of the Conservation Area was supported by the Planning Inspector in the Appeal Decision Report dated 08/12/2020. We trust that the LPA is now familiar with the conclusions of the report, however, it is considered that the following comments from the Inspector are relevant to this application proposal:-

"The Appeal site itself is located next to a modern commercial enterprise, with a number of other modern developments in the general vicinity".

"Whilst I appreciate that the site is near the Conservation Area and the Edwardian terrace, nonetheless, the proposed signage in terms of views into the Conservation Area would be seen against a backdrop of trees which during my site visit afforded a significant degree of screening of the terrace and the Conservation Area".

"The signage would also be separated from the terrace and the Conservation Area by a busy road junction".

"In scale/design terms the proposed signage whether either entering or leaving the Conservation Area would be chiefly seen in the context of adjacent and nearby contemporary buildings/signage and broadly reflects that contemporary scale/appearance. I note the Council raise no specific objection to the level of illumination".

"Bearing in mind the above, I consider the proposed signage would not damage the character and appearance of the Conservation Area or its setting, with particular regard to the nearby Edwardian terrace, or its proximity to an important approach road leading into the Conservation Area. The proposal would leave the Conservation Area unharmed and as a result would preserve the Conservation Area".

"The proposal would therefore not be detrimental to the Conservation Area, nor to the visual amenity of the general area, or run contrary to the Act".

The application site forms part of the same frontage to the commercial buildings of the retail park as the existing display, but as already stated, the two units would be located at opposite ends of the site, and therefore the degree of separation between the two display units would avoid an appearance of clutter.

Measuring 6.4m in width and 3.4m in height and presented in landscape format, the advertisement would comprise a pressed metal frame in which the sealed LED "tiles" are mounted, and would sit approximately 2.3m above ground level of the adjoining highway.

It would present a range of static images. A new image will materialise every 10 seconds with the interchange between each image virtually instantaneous. Advertisements would not contain any movement, animation or special effects.

The display would be limited to 300 candelas/m² at night. Advertisements would therefore accord with the Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements PLG05 2015.

The proposed digital unit will be slim and elegant, and will 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 proposed display would be digitally illuminated, however, the light does not radiate in the same way as either externally illuminated displays or traditional backlight units. 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.

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. They reflect best practice guidance and recent digital consent decisions issued by planning authorities across the UK.

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. This will be particularly important in the '*post pandemic*' period when the Council will be active in the marketing and promoting of the town centre, and so encouraging more investment in businesses and events across the town.

The application proposal is therefore similar to the advertisement display already granted consent, however, it is considered that the application site is a less sensitive setting due to the fact that it would be viewed by traffic travelling away from the Conservation Area, which is located at a considerable distance to the south of the site.

The proposal contained in this application would be viewed in a commercial context of open scale, and will not appear as intrusive within this locality. It would be seen against a backdrop of large mature trees which will further soften the impact of the display. Set in this context of the surrounding area, the proposed illuminated advertisement would relate well in height, scale and appearance, and would not appear incongruous.

As previously established, additional conditions could control the appearance of the advertisements which would ensure that they would not appear visually intrusive, and it is considered that the proposal for 1 x 48 sheet freestanding digital display unit will cause no material harm to either visual amenity or public safety.

In view of the previous appeal decision, we consider that the LPA should support the application proposal. However, should the LPA have any minor concerns, we trust that they will discuss these with the Applicant, with a view to resolving an issues raised.

It is acknowledged that each case should be considered on its own merits. However, it is considered that the proper consideration for the purpose of this application is to measure the proposal against Government advice and recent decisions for similar applications, but also 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 advertisements on visual amenity.

The Applicant acknowledges that making an appeal should be used only as a last resort, and would prefer to work in a professional and proactive manner with the LPA, in order to avoid the appeal process which can involve unnecessary time and costs for both parties. It is in this context that the Applicant is keen to have open dialogue with the LPA, in an attempt to achieve a satisfactory conclusion to the application process, however, should there be a need to submit an appeal, the Applicant would expect the Inspector's assessment on visual amenity to be consistent with the previous appeal decision.

Local and national policies state that advertisements should be subject to control only in the interests of visual amenity and public safety, and therefore this application will be need to be assessed in terms of the effect of the proposed digital display upon visual amenity and public safety.

Background Information

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).

Paragraph A4 of TAN 7 outlines various requirements to consider when deciding advertising applications. These relate to respecting the scale of surrounding buildings and locations, and having regard to "the symmetry or architectural features of their location".

When discussing suitable locations for large format advertising, TAN 7 states: "If a locality is in a mixed use, with shops or offices interspersed with residential development..... Poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings, and designed and positioned so as not to intrude upon or interrupt existing features or landmarks". The character of the area surrounding the application site is clearly one of mixed use with the locality dominated by the retail and commercial developments.

48 sheet digital advertisements are now a common sight on arterial roads in major towns and cities and as such, are not an 'unusual' feature in the street scene of commercial and industrial areas. Digital signage is also in widespread use across the country to convey road safety messages to drivers, and there is no reason to suggest that a responsible driver would be distracted by this type of digital signage, or the digital advertisements proposed in this application.

The shift towards digital display screens away from traditional 'paper and paste' billboards 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 is that those involved in development and development control need to respond to the changes and innovations offered by new technology. Part of the national project to bring the outdoor industry's stock of traditional billboards into the 21st century has involved the development of modern and innovative digital display units.

The relevant policies in the Wrexham Unitary Development Plan are GDP1 – Development objectives and PS2 Development and the Environment.

Amenity Assessment

The area is predominantly commercial in character, and there is no significant residential element in the immediate vicinity of the application site, so the proposed display would not have any detriment to residential amenity in this location. The proposed display would be positioned within a street scene of commercial buildings, and traffic travels through this built up area with development activity and signage on all sides. National policy and advice advocates locating advertisements in such areas where their

impact is appreciably less and commensurate to their function. In this regard, the application proposal should, in principle, be acceptable.

It is considered the proposal would sit comfortably in its visual context without harming amenity, the qualities of the site or the character and appearance of the wider area.

Paragraph A4 of TAN 7 states that *“free-standing units alongside the highway should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location”*. The application site would be viewed in the context of the adjoining commercial units of Counterpoint, which are one storey rectangular buildings. These units are totally utilitarian and are situated longitudinally along the west boundary of the site with entrances to the units from the main car park area. The commercial units are modern in their massing and the use of materials. The frontages of the units are designed in a modular pattern and finished with aluminium panel cladding together with low level brick plinths.

The proposed display unit would be located at a 45 degrees angle to the frontages of the commercial units. Although the unit is large, it is considered that its simple rectangular form presented with horizontal emphasis would respond well to the form and size of the commercial units which have a horizontal emphasis. The adjacent section of the main radial route reflects a strong commercial character. Given the size, height and location of the display unit, it is not considered that the proposed display unit would constitute a prominent feature in the street scene.

The application proposal would face traffic travelling north away from the town centre and towards Wrexham Football Club. It would be seen against the backdrop of the rows of mature trees which would provide greenery around the advertisement.

It is acknowledged that the proposed digital display unit would draw the eye, but there would be a contrasting effect between the unit and the backdrop of the trees behind, and so its impact would be softened and diminished by the greenery which surrounds it. The display would be assimilated into the context of the surrounding area, and its proximity to the highway boundary simply reflects its function to display the advertising to passing traffic, rather than being overly prominent.

The proposed display unit would not obscure or cut across any significant architectural features, and its scale, design and landscape orientation would not harm the visual simplicity of the built environment in the surrounding area. The setting is highway dominated and predominantly commercial in character, and is therefore considered as entirely appropriate for illuminated roadside advertising in line with the policy framework.

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 digital display or its location is likely to be distracting and capable of being a hazard to public safety.

The proposed digital display would be viewed primarily by traffic travelling north on Regent Street. The highway is well-lit and reasonably level, 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.

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, 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.

In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention, but they will not automatically

presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

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**).

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, for example, at traffic light controlled junctions, roundabouts, pedestrian crossings, and other places where local conditions present traffic hazards. None of these factors are present at the application site.

At the point of the application site, the passage of traffic is relatively simple and drivers are faced with limited decision making on a relatively straight stretch of road. Drivers have plenty of capacity to assimilate information without impacting on their decision making or their ability to concentrate on the driving task, particularly if signs and speed limits have been observed.

This assessment of impact on highway safety was confirmed by the Highways Authority in their report on the previous application (**P/2020/0488**), when they raised no objections to the proposal subject to the standard conditions being applied to the consent to control levels of luminance. It is expected that the Highways Authority will carry out a similar assessment of the application proposal.

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, and there would be no sound). 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. The changeover between adverts will take place instantly in order to minimize the potential for driver distraction. This derives from advice received from road safety specialists which indicates that a slow change can increase the dwell time of drivers viewing the adverts, which in certain circumstances could lead to distraction from the driving task.

The proposed digital 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 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.

Taking into account planning guidance, and comparisons with similar consented 48 sheet digital 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 digital displays at similar locations has shown that this has not led to an increase in accident levels in the vicinities of these sites.

Recent industry research has shown that *"there is no additional material effect on highway safety when installing digital displays where static advertising exists or would be accepted, provided that the images are only "static poster like displays", and levels of illumination are controlled and monitored"*. (**Transport for London document entitled "Guidance for Digital Roadside Advertising and Proposed Best Practice - March 2013**).

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

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 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

Suggested Conditions

- The maximum level of illumination should not exceed 600cd/m² during daylight hours or 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 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 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.

Conclusions

For the reasons set out in this statement letter, it is considered that the proposal is in accordance with the relevant policy framework. It would not create a distraction for road users, and would sit comfortably in its visual context without harming amenity, the qualities of the site, or the character and appearance of the surrounding area which is predominantly commercial in character.

The proposal submitted reflects the Applicant's preferences, however, should the Council wish to discuss any aspect of the proposal, we would welcome the opportunity to address any concerns prior to determination.

The relevant fee of £460.00 for the consideration of this advertisement consent application will be paid to Wrexham County Borough Council via the Planning Portal. I trust you will find the above application in order and 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