

ALIGHT MEDIA LTD

STATEMENT OF CASE FOR APPEAL

Appeal under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

LPA: READING BOROUGH COUNCIL

LPA REF: 231842

Re: Land at Hand Car Wash, 261 London Road, Reading RG1 3NY

Proposal: 2 x 48 sheet freestanding LED illuminated advertising display panels

We consider that there are grounds to contest the reasons for the refusal of planning consent by the LPA who considered that:-

Public Safety

1. The **siting** of, and **sequential images** displayed on, the two proposed illuminated 48-sheet digital advertisement display screens would distract drivers in a location where there is conflicting vehicle movement and high flows of traffic. This could result in sudden and unpredictable vehicle movements, increasing the risk of collisions with other vehicles or pedestrians.

And

Visual Amenity

2. The two proposed electronic advertisements and associated supporting structures, by virtue of their **size**, **illumination**, and **prominent location**, would appear as unattractive and prominent features in the street scene and would contribute towards an undesirable proliferation of visual clutter at this location. The proposed advertisements would therefore result in harm to the visual amenity, character and appearance of the area.

3. The **siting** and **sequential images** displayed on the proposed illuminated 48-sheet digital advertisement display screens would fail to protect and enhance the setting of Grade II Listed Entrance Lodges and Gates and the Grade II registered park and garden at Reading Cemetery,

4. The application fails to demonstrate that the two proposed illuminated 48-sheet digital advertisement display screens by virtue of its **large size**, **orientation** and **elevated position** would not result in harm to the amenity of residents of dwellings in Cholmeley Road and Regent Street within the vicinity of the site and the wider area due to glare and light spill.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 limit the powers of control of advertisements solely to the interests of public safety and visual amenity, and these are the determining issues to be considered within the Appeal.

1) PUBLIC SAFETY

The reason for the refusal states that the **siting** of, and **sequential images** displayed on, the two proposed illuminated 48-sheet digital advertisement display screens would distract drivers in a location where there is conflicting vehicle movement and high flows of traffic.

i) Siting

The **siting** of the two proposed 48 sheet LED illuminated advertisements is within the curtilage of The Hand Car Wash on London Road, which has been in use on the site since 2009. The backdrop to the signs are the commercial buildings either side of the host premises. This is clearly shown on the two site visuals which have been submitted with the Appeal as **APPENDIX A** and **APPENDIX B**.

Fig 1: (APPENDIX A) Visual showing proposed 48 sheet freestanding LED illuminated advertisement display at the Appeal site (North East Facing Panel 01)



Fig 2: (APPENDIX B) Visual showing proposed 48 sheet freestanding LED illuminated advertisement display at the Appeal site (South West Facing Panel 02)



The proposed advertisement displays would face towards on-coming traffic travelling each way along A4 London Road, which carries large volumes of traffic, and is one of the main arterial roads into Reading from the east. The highway is commercial 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 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 advertisements would not unduly distract highways users and give rise to safety issues.

The immediate environment is considered to be an appropriate area, which can accommodate large advertisements without any adverse effect upon public safety. The Planning Practice Guidance (PPG) favours outdoor advertising sites in industrial or commercial areas, where their impact is commensurate with their setting. As such, the advertisement proposal at the Appeal site should be acceptable in principle.

It is considered that the siting of the proposed illuminated 48 sheet digital advertisement displays '*adjacent to a busy classified A road with high flows of traffic*' is not a valid reason for refusing consent. There is not a presumption against roadside LED illuminated advertising in the relevant planning policy and guidance. The guidance in the PPG relating to advertisements in terms of public safety does not, of itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety in locations such as the Appeal site.

An advertisement proposal should not be dismissed out of hand for locations which overlook heavily trafficked highways such as London Road. 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. There are obviously far too many of these approved schemes to conveniently list here.

The Council are familiar with the concept of LED illuminated advertising adjacent to heavily trafficked highways, and the following sites are examples in the Borough where permissions have been granted for digital advertisements of similar size and design to that proposed in the Appeal scheme:-

Fig 3: (APPENDIX C) – Consented 48 sheet LED illuminated display Adjoining Fire Station Caversham Road Reading RG1 8AA–granted consent on 04/03/2015



Copies of the site photo and the Decision Notice submitted as **APPENDIX C** and **APPENDIX D**.

Fig 4: (APPENDIX E) – Consented 48 sheet LED illuminated advertisement display at 134 Bath Road Reading RG30 2EU–granted consent on 01/02/2018



Copies of the site photo and the Appeal Decision Notice submitted as **APPENDIX E** and **APPENDIX F**.

It is acknowledged that the Appeal site is positioned on land overlooking the heavily trafficked London Road, but this does not mean that an LED illuminated sign would be harmful to highway or pedestrian safety at this location. The proposed advertisement displays would face towards on-coming traffic travelling each way along A4 London Road. 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 distractions, and *not* resulting in “*sudden and unpredictable vehicle movements*”.

The analysis of road traffic accident statistics at many similar locations across the country, shows that the positioning of advertisements of this scale and design at locations adjacent to heavily trafficked highways such as the Appeal site does not automatically mean that they would be hazardous.

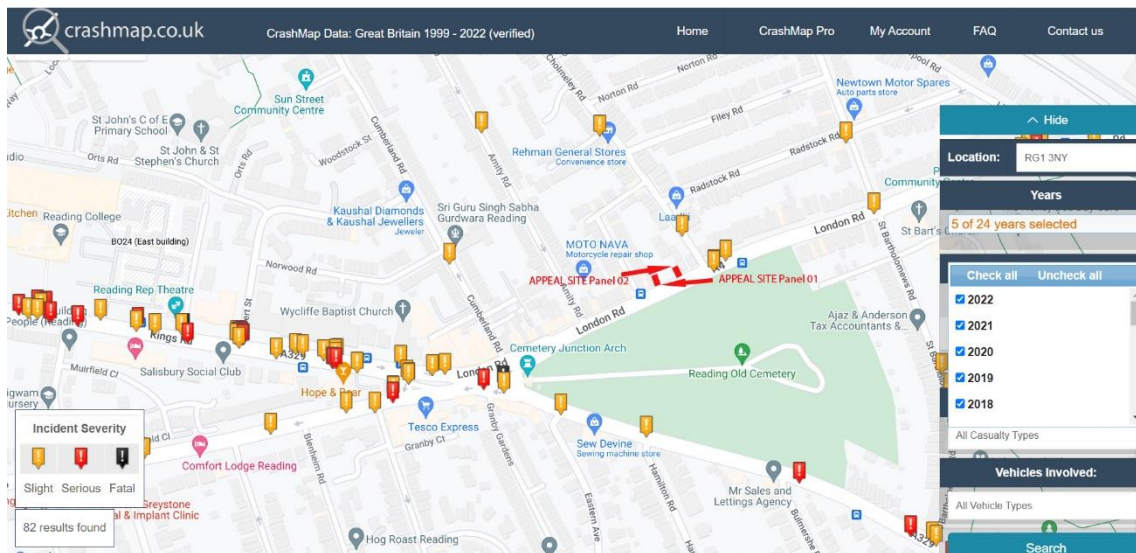
There is no evidence to suggest that the accident record is a poor one at the location of the Appeal site. The Case Officer stated in the Delegated Report that “**No assessment of any accident data has been provided as an accompaniment to the application**”. Road traffic accident statistics from **Crash Map** at the point of the Appeal site have therefore been submitted with the Appeal as **APPENDIX G**. This data shows that there have been three “*slight incidents*” recorded over the five year period from 2018 to 2022 involving traffic travelling south-west on the straight stretch of road on the approach to Panel 01 of the Appeal site. The **Crash Map** data shows that there have been no reported incidents recorded over the same five year period involving traffic travelling north-east on the straight stretch of road on the approach to Panel 02 of the Appeal site.

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 Appeal site represents a very low level of incidents, considering the high volumes of traffic on this part of the transport network.

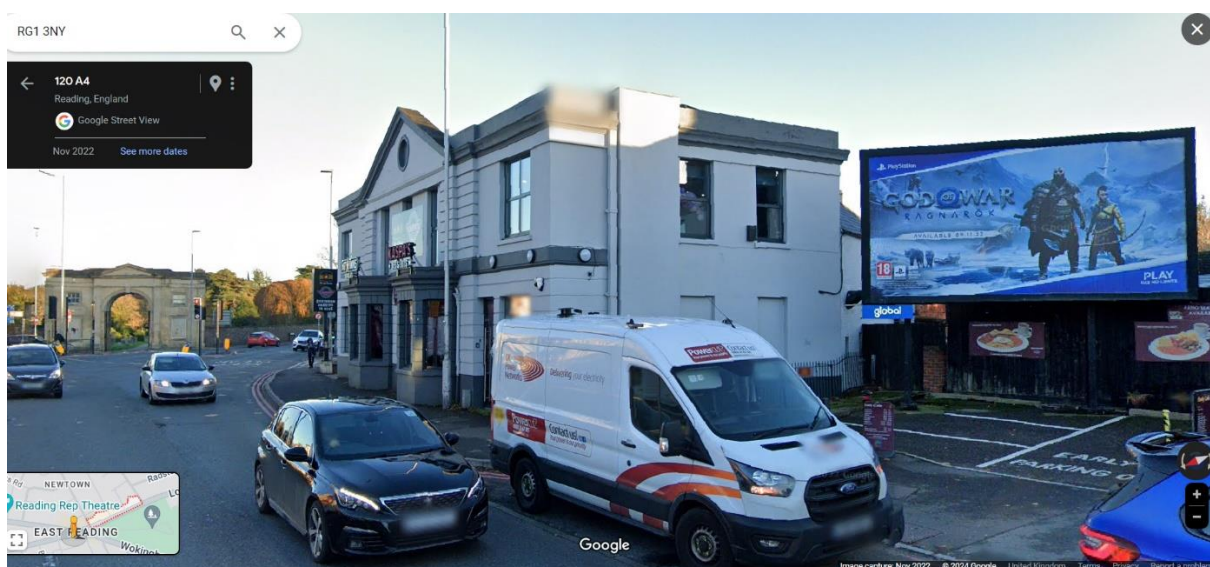
It can also be noted from the Crash Map Statistics Map that the Appeal site compares favourably with the recorded accident levels further to the south and west at the junction of Kings Road and London Road, where there is a heavy cluster of reported incidents.

Fig 5: (APPENDIX G) – Crash Map Statistics Map showing recorded accidents for the 5 years period from 2018 to 2022



At the junction of Kings Road and London Road, where there is a the high level of recorded accidents, there is also located an Existing 48s Digital Display at 120 London Road, (adjoining Former Granby Tavern) Reading RG1 5AY, as shown on the following site photo, which has been submitted with the Appeal as **APPENDIX K**.

Fig 6: (APPENDIX K) – Google Street View Photo showing Existing 48s Digital Display in “close proximity” to Junction of Kings Road and London Road



The above 48 sheet digital advertising display has been allowed to remain in situ for over seven years by Reading Borough Council, despite the fact that the site is located at a junction with high levels of recorded accidents, and the application proposal was dismissed at appeal in November 2016 (**Appeal Ref: APP/E0345/Z/16/3155806**). This site will be referred to again later in this statement in relation to the issue of visual amenity. However it is noted in the Appeal Decision Notice that the Planning Inspector made the following comments:-

“The proposed display would only be visible to road users approaching along the A329 (Kings Road), travelling in an easterly direction, or merging onto the west-bound A4. In this direction of travel, the appeal site becomes visible just before a traffic light controlled crossing point. Immediately after this crossing, the road splits from two lanes, plus bus lane, into three lanes, plus bus lane. While signage and road markings do inform drivers of upcoming lane changes, the relatively short stretch of road after the pedestrian crossing gives drivers limited opportunity to manoeuvre into the correct lane. The bus stops, pedestrian crossings and bus lanes add an additional layer of distraction for road users to contend with.

The situation is therefore already challenging to the road user, requiring a high degree of concentration. The accident report, whilst taking in a wider context than the vicinity of the appeal site, is evidence that the existing road network already poses risk and a high rate of traffic-related incidents. The fact that poor judgement was deemed to be the cause in a number of the accidents recorded indicates that a lapse in concentration on behalf of the road user could result in a potentially very serious collision.

I consider therefore that the proposed media display would result in unacceptable risk to public safety”.

It is suggested that this location is a more sensitive location than the Appeal site in terms of public safety due to its position at a “challenging” junction with as high level of recorded accidents.

Taking into account planning guidance, and comparisons with similar consented 48 sheet digital displays in the area of Reading Borough Council and other LPA areas across the country, it is considered that the Appeal 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 across the country has shown that this has not led to an increase in accident levels in the vicinities of these sites.

The siting of the two proposed illuminated 48-sheet digital advertisement display screens would not distract drivers in a location where there is high flows of traffic, and would not result in an increased risk of collisions with other vehicles or pedestrians.

ii) Sequential images

The Appeal proposal contains advertising display units of high quality design using the modern form of display technology to display ‘static’ **sequential images**.

Industry research has shown that there is no material effect on highway safety when installing illuminated displays, provided that the images are only ‘static poster like displays’, and the levels of illumination are controlled and monitored.

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"

(Transport for London "Guidance for Digital Roadside Advertising and Proposed Best Practice - March 2013).

Whilst the proposed display will be LED illuminated, the brightness and display would be controlled via conditions to ensure that it would not result in any inappropriate distractions or cause glare or dazzling effects during the hours of darkness and in poor weather conditions.

The LED form of illumination does not radiate light in the same way as externally illuminated displays. In this regard the illumination only highlights the matter contained within the advertisement display, and it is considered that the proposal would not be significant in the street scene

The proposed advertisement display units would incorporate changing images with a smooth, uninterrupted transition from one static image to another (there would be no moving images, animation, intermittent or full motion video images). It will be capable of changing new adverts every ten seconds, and this is in line with the standard media industry code for digital advertising. 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 LED illuminated displays are 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 units would exhibit the same operational characteristics of LED illumination and static advert images as seen at hundreds of consented illuminated display sites of the same scale and design at similar locations across the country, where they have been found not to result in an unacceptable distraction to drivers., and so not increase the risk of collisions with other vehicles or pedestrians.

Moreover, the Appeal site is located in close proximity to other sources of illumination and street lighting systems and illuminated signage, together with lights from travelling vehicles and large buildings in the surrounding area. These sources of illumination emit a considerably higher intensity of light, and therefore would diminish the impact of the proposed display.

At the point of the Appeal site 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. Consequently, it is considered that the Appeal proposal would not unduly distract highway users and give rise to safety issues.

Clearly owing to the reality of the Appeal site and its surroundings, and the supporting evidence set out in this Appeal statement, it is considered that the acceptability of the Appeal proposal is confirmed, and the **siting** of, and **sequential images** displayed on the proposed illuminated advertisement panels would not adversely undermine highway safety in the locality of the Appeal site.

2) VISUAL AMENITY

As per regulation 3 of the Regulations, applications for express consent are to be determined in the interests of visual amenity and public safety, and with regards to visual amenity, factors include the presence of any feature of historic, architectural, cultural or similar interest.

In terms of visual amenity, national policy focuses on the local characteristics of the neighbourhood, and offers a description of the type of area where large advertisements might be acceptable. It is considered that the Appeal proposal broadly reflects the example given in the PPG, insofar as it is in a mixed use area of large open scale. The streetscene is typical of an area where roads pass through a built up area with development, activity, signage and advertisements on all sides.

The Appeal site is not located within a conservation area or an area of special advertisement control. There are no statutory listed buildings in the locality that would be harmed by the proposal.

The Appellant considers that the proper consideration for the purpose of this Appeal is to measure the proposal against Government advice and the reality of the site and surroundings, rather than the LPA's assessment that the **size**, **illumination**, and **prominent location** of the proposed advertisements would contribute towards an undesirable proliferation of visual clutter at this location, and result in harm to the visual amenity, character and appearance of the area.

i) Size

The dimensions of 48 sheet advertisements are standard with a display area of 6m wide x 3m high. 48 sheet digital advertisements of the scale proposed in the Appeal are not an '*unusual feature*' in the street scene of urban areas of most towns and cities across the country, as it is widely accepted that '*appropriately sited and well-designed advertising*' may be acceptable in mixed use areas of large open scale.

Electronic digital displays represent the latest form of outdoor advertising technology. 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 Appeal 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 Appeal proposal is therefore considered to be consistent with current market requirements and planning developments.

The LPA has expressed concern over the size of the proposed advertisements. The Appellant considers that this objection is somewhat surprising, in view of the consents which have been granted in similar settings adjacent to heavily trafficked highways in the Reading area and across the country, which mirror the Appeal proposal in terms of size, scale and landscape orientation, and the same operational characteristics of LED illumination and static advert images.

It is true to say that over 10 years ago there were no 48 sheet LED illuminated panels to be found adjacent to the main arterial roads in the urban area of Reading. However, following the period of substantial change in the outdoor media industry, the Council are now familiar with the concept of 48 sheet LED illuminated advertising displays, and reference has been already in this statement to examples of sites of a similar size to the Appeal proposal, which have been granted consent.

The purpose of referring to the examples of other similar consented sites 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 that LED illuminated advertising displays of the size proposed in the Appeal will have on the visual amenity of the surrounding areas.

National policy guidelines clearly state that in commercial localities *“some poster advertising may be acceptable when it is carefully related to the size and scale of surrounding buildings”*. As such, LED illuminated advertisements are not an unusual feature in the street scene of most urban areas across the UK.

The Appeal site is set back from the highway, and does not impact on sight lines or traffic signals. The proposed display unit would not obscure or cut across any significant architectural features, and will not harm the visual simplicity of the host premises. It would therefore relate carefully to the host premises and locality. In this context, the scale of the display unit will be proportionate to the highway environment and the surrounding buildings, and given that the land is flat and there is an open and spacious feel to the locality, the proposed advertisement will not be unacceptably prominent nor harmful to any long distance views.

It can be seen from the site visuals submitted with the Appeal (**APPENDIX A** and **APPENDIX B**) that the size and simple rectangular form of the proposed advertising displays would be viewed in the context of the immediate backdrop of the large blank gable walls. The basic structures of the buildings would still be clearly read in the background, and it is considered that, when the proposed advertisements are viewed in this context, they would not appear overly larger in relation to the host premises, nor an overly prominent or incongruous features in the street scene.

It is considered that the scale and design of the proposed advertisements would relate well to the surrounding built environment. They would be subservient in height to the surrounding buildings, and so would not be an unduly prominent or obtrusive features in the street scene, where the nearest features against which it would be measured for scale are the surrounding buildings. There must always be larger and smaller items in any 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.

It is considered that the Appeal proposal for a 48 sheet LED illuminated displays would not represent an unusual feature to passing motorists, and it should therefore be easily assimilated by them as part of the general streetscape and character of the area.

ii) Illumination

The high quality design and materials used in the modern form of digital display technology is now commonplace and is gradually replacing the traditional advertising formats, which are costly in terms of energy use and pollutants. The Appeal proposal aims to introduce a high standard of presentation and technology used in the display of images on the site. This has many practical and sustainable benefits: reduced energy consumption; easy recycling of component parts; and a vastly reduced number of maintenance visits to site.

The advertisement display units will show static images, with the added feature of automatic change via a secure computer feed to display a range of static messages. Any concerns that the LPA may have regarding the LED form of illumination would be addressed by granting consent subject to the appropriate conditions outlined in the planning statement. These conditions are now widely accepted by LPAs across the country as standard for the control of digital displays. In order to comply with the outdoor industry digital media code, the conditions would be applied to the consent to control of the luminance levels, frequency, and manner of change between images.

The proposed display units 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. There would be no glare and dazzle from the digital display, and so would not distract road users and therefore not result in highway safety issues.

We do not consider that the Appeal proposal would be significant in the street scene as the proposed displays would be located in close proximity to other sources of illumination such as street lighting and passing vehicles, which would emit a considerably higher intensity of light, and so the proposal would have little impact upon the visual amenity of the locality.

The proposed display units have been architecturally designed with high quality materials to create an integrated unit, which requires no access for internal maintenance or changing of advertising displays. The digital displays would be controlled remotely via a dedicated internet connection and computer software that would control every aspect of the displays in real-time, including brightness, timing of each image, and transition time between each image. The screens would also be linked to sensors which detect external lighting levels and automatically adjust the screen's level of luminance.

The development of digital advertising sites has been carried out over recent years in compliance with the policy framework of the NPPF and the PPG. The overall design and appearance of the proposed digital advertisement display units would be modern and stylish, comprising high-quality steel encased screens. The proposed display units are certainly of a much more pleasing design than the traditional '*paper and paste*' 48 sheet billboards.

The Council recognises the potential benefits that advertising can bring to local businesses and communities by allowing them to advertise their products and services on these digital sites. Landmark advertising sites can therefore help to stimulate the local economy, as well as adding interest to the street scene, bringing colour to drab areas, making areas safer at night through better illumination, and screening eyesores.

Visually, the proposed development, whilst clearly a contemporary advertising format, would not jar with the surrounding built environment. Indeed, it would be seen in the context of the design of the surrounding buildings which are predominantly utilitarian and of no architectural merit.

iii) Prominent location

There are presently no large scale poster advertisements in the vicinity of the Appeal site, however, the surrounding area has a strong commercial presence, as confirmed in the Delegated Report, when the Case Officer commented that “*The areas surrounding the Appeal site is made up of retail and residential*”.

It is acknowledged that there are some residential properties in the surrounding area, however, it does not automatically follow that illuminated advertisements would have a detrimental impact on residential amenity in an area such as the Appeal 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 advertisements would not face directly on to any residential properties in the area, and therefore no harm to the occupiers of these properties by way of loss of light or outlook is likely to occur. The proposed displays would not have any significant detriment upon the amenities currently enjoyed by occupants of these properties.

Any concerns from the Council that the LED illuminated displays could result in harm to the residential amenity of nearby properties, especially at night time, can be mitigated with the inclusion of conditions to restrict the levels of luminance and the hours of illumination. To ensure that the proposed display operates without harming either visual amenity or public safety, the Appellant recommends that the proposal adheres to the schedule of planning conditions which were set out at the end of the planning statement.

The Appellant is aware that in other cases of similar LED illuminated advertisement 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 Appellant 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.

The development of 48 sheet digital advertising sites across the country has been carried out over the last decade in compliance with the national policy framework, which states that new developments should promote the local character of an area, and should be integrated within existing surroundings. It is in this context that the Appeal proposal was submitted, as it is considered that the proposed LED illuminated advertisement displays would reflect rather than harm the amenity, character and appearance of the surrounding area, and so would not be sited at a **prominent location**, nor result in harm to the visual amenity of the locality.

The Appeal site is in area characterised by the surrounding commercial use, and the proposed illuminated advertisement scheme contained in the Appeal would face onto an urban highway and a streetscene of predominantly commercial buildings. The immediate environment is considered to be an appropriate area, which can accommodate large advertisements without any adverse effect upon visual amenity.

This is a predominantly commercial area where 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. It is considered that the size and scale of the Appeal proposal is in keeping with the site's setting, which is expansive in scale, and defined by a wide carriageway and large scale buildings.

The road infrastructure is a dominant feature in the street scene, which is wide and expansive. When seen in this context, the proposed advertisements would not appear to be overly large or incongruous features in the street scene, and would not have a detrimental effect on visual amenity.

The wide carriageway and open scale of London Road provides a clear demarcation between the north and south sides of the highway. It therefore makes a distinction between the totally commercial use on the north side, and the green corridor of the Reading Old Cemetery, which runs to the south side of London Road, and is screened from the commercial activities on the north side of the highway by the boundary wall and rows of large mature trees.

The Appeal site is situated within a sustainable built up existing commercial location, and it is therefore an appropriate location to sustain the proposed advertisement. It has already been stated that the Appeal proposal broadly reflects the example given in the PPG, and the street scene surrounding the Appeal site is typical of a commercial area 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 clear thrust of national policy is that those involved in development and development control need to respond to the changes and innovations offered by new technology. In addition, there is a presumption in favour of '*sustainable development*' at the heart of the planning system, which should be central to the approach taken to both plan making and decision taking.

The national presumption in favour of '*sustainable development*' means that unless there are specific adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal, it is considered that the LPA should take a positive approach that reflects the presumption in favour of '*sustainable development*'.

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

An LED illuminated advertisement in a location such as the Appeal site would not be unusual, and it complies with national guidelines relating to the location of advertisements in commercial areas. The advice in national policy guidelines recognises the importance of advertisements to the national economy, and that local authorities should not stifle original designs or new display techniques.

London Road is a highly traversed and well-lit urbanised route, meaning that the ambient lighting effect of the advertisement proposal will be sufficiently contained, in accordance with the guidance set out by the Institute of Lighting Professionals (ILP). The display units will be set back from the highway and will not impact on sight lines or traffic signals. In this context, the scale of the display units will be proportionate to the highway environment and the surrounding buildings, and given that the land is flat and there is an open and spacious feel to the locality, the proposed advertisements will not be unacceptably **prominent** nor harmful to any long distance views.

Digital technology is changing the delivery of information. There are digital phones, digital cameras, digital televisions and radios, digital newspapers and now digital advertisement displays on a wide variety of outdoor formats ranging from bus shelters, freestanding units (FSUs), lamp posts and other items of street furniture, to large roadside hoardings.

The Appeal proposal seeks to provide a modern and flexible signage opportunity to the area to allow sustainable, relevant, locally focused, and timely messaging for local and national businesses. The digital technology would also provide the flexibility to display local messages relating to Council, highway or emergency safety information if required.

The Appeal proposal will not be out of proportion with the surrounding built environment and large commercial buildings. The location can absorb the advertisement without detriment, and it will not dominate the wider landscape. There must always be larger and smaller items in any 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, wholly beneficial to this rather undistinguished stretch of a commercial street in an urban landscape.

The proposed display units would not obscure or cut across any significant architectural features, and will not harm the visual simplicity of the backdrops to the site. It is acknowledged that the proposed advertisements would draw the eye, but they would be assimilated into the context of the surrounding area. Their proximity to the highway simply reflects their function to display advertising to passing traffic, rather than being overly prominent.

48 sheet illuminated advertisements are therefore not an '*unusual feature*' in the street scene of urban areas of most towns and cities across the country. The Appeal proposal is therefore considered to be consistent with current market requirements and planning developments. It would not be out of keeping with the visual amenity of the area, and the proposed advertisements would not appear as unduly prominent or obtrusive features by reason of their size, illumination, and location on this wide main road into and out of Reading.

iv) Siting and v) Sequential Images

The LPA determined that the siting and sequential images displayed on the proposed illuminated 48-sheet digital advertisement display screens "would fail to protect and enhance the setting of Grade II Listed Entrance Lodges and Gates and the Grade II registered park and garden at Reading Cemetery".

The Appeal proposal is not located within a conservation area, or an area of special advertisement control, nor is it attached or adjacent to a listed building.

The Appellant considers that the LPA gives a lot of importance to the Appeal site's location opposite the **Reading Old Cemetery** (Grade II Registered Park and Garden which includes Grade II listed buildings and graves within it) and the Grade II Listed **Entrance Lodges and Gates to the Cemetery** closely located to the Appeal site, on the opposite side of London Road.

The following Google Satellite Street View Map has been submitted with the Appeal as **APPENDIX H**, and this clearly shows that the Appeal Site is located at a considerable distance (approximately 350m) from the Grade II Listed Building of the Entrance Lodge and Gates to the Cemetery.

Fig 7: (APPENDIX H) – Satellite Map showing Location of Listed Building (Entrance Lodge and Gates) in relation to Appeal Site and Existing 48s Digital Display



The following Google Street View photo also shows that the Appeal site is located approximately 350m beyond the Entrance Lodge and Gates to the Cemetery, and so the Appeal proposal would not be viewed in the context of the heritage assets, and does not interfere or distract from the uses or views of these Listed Buildings.

Fig 8: (APPENDIX I) – Google Street View Photo showing Location of Listed Building (Entrance Lodge and Gates) in relation to the Appeal Site



The Appellant believes that the Case Officer's comments in the Delegated Report that the Listed Building is "closely located to the application site, on the opposite side of London Road" is a misleading statement, as the two sites are located at a considerable distance (approximately 350m) from each other. The heritage asset will not be viewed in the same context as the proposed advertisements when viewed by traffic passing in both directions on London Road.

As already stated, the wide carriageway and open scale of London Road provides a clear demarcation between the north and south sides of the highway at the point of the Appeal site. It therefore makes a distinction between the totally commercial use on the north side, and the green corridor of the Reading Old Cemetery, which runs to the south side of London

Road. The Grade II Registered Park and Garden (which includes listed buildings and graves within it) is therefore screened from the commercial activities on the south side by the boundary wall and rows of large mature trees.

The Case Officer states that the siting and sequential images displayed on the proposed illuminated 48-sheet digital advertisement display screens “would fail to protect and enhance the setting of Grade II Listed Entrance Lodges and Gates and the Grade II registered park and garden at Reading Cemetery”,

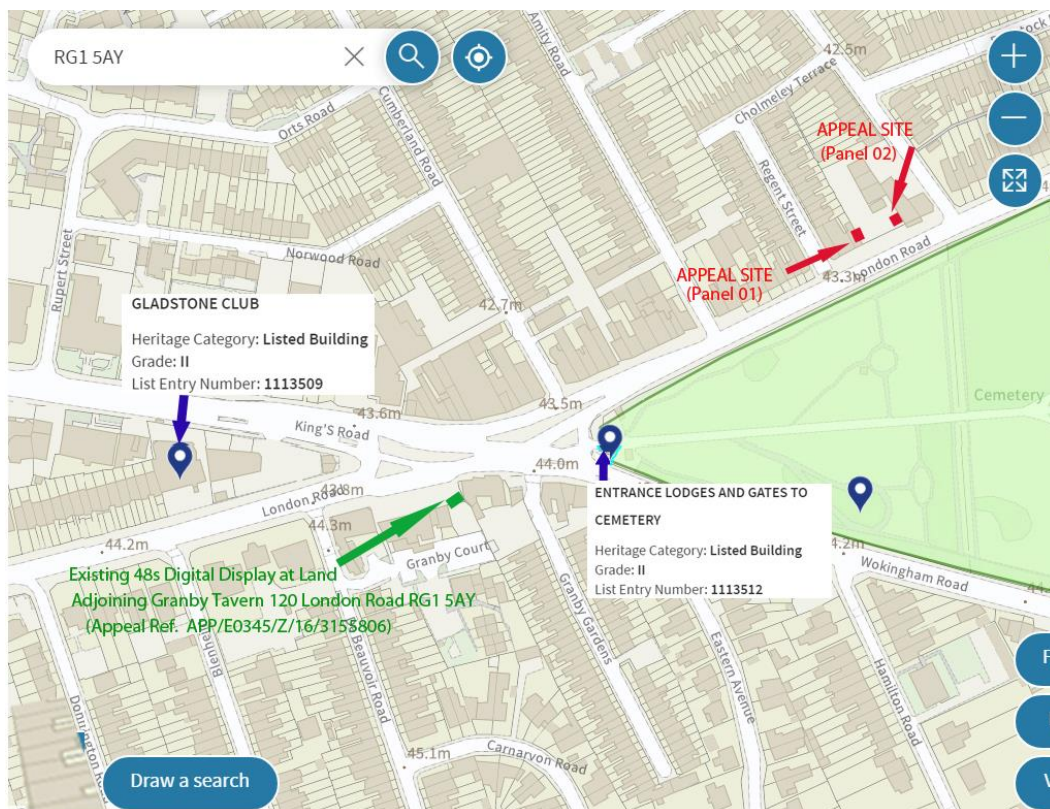
The requirements under conservation area legislation are that, where a LPA designates part of its area to be of special architectural or historic interest, any development proposal should preserve or enhance the character or appearance of the area. For practical purposes, any proposal which affects a conservation area must at least preserve the area in the sense of doing no harm – i.e. a “neutral” effect.

It can be clearly seen from the site photos submitted with the Appeal how the proposed advertisements will be viewed against the backdrops of large gable areas, which have no architectural or aesthetic value. The Appeal proposal will not be viewed in the context of the Listed Buildings, and does not interfere or distract from the uses or views of these heritage assets. The Appeal proposal will therefore at least preserve the views of the heritage assets in the sense of doing no harm – i.e. a “neutral” effect.

It is considered that the Appeal proposal would wholly reflect, respect and complement the design context and setting of the Appeal site without having a harmful impact on the visual amenity of the area, in accordance with national and local policy guidance.

The following Historic England Map has been submitted with the Appeal as **APPENDIX J**.

Fig 9: (APPENDIX J) – Historic England Map showing Location of Listed Building (Entrance Lodge and Gates) in relation to Appeal Site and Existing 48s Digital Display

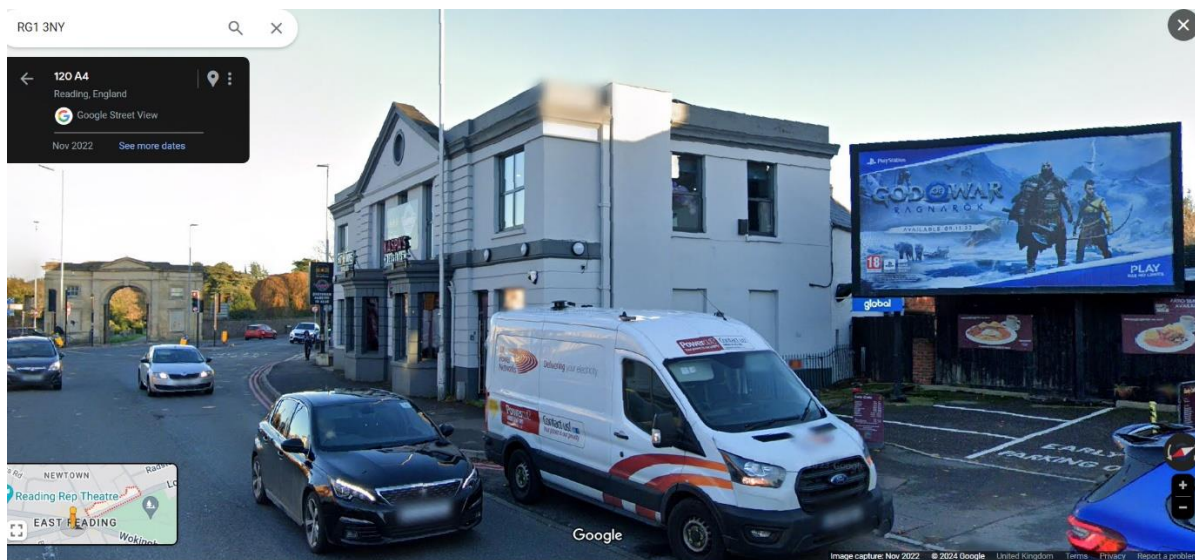


The Historic England Map shows the Appeal Site located at a considerable distance (approximately 350m) from the Grade II Listed Building of the Entrance Lodge and Gates to the Cemetery, and also the location of the only other statutory listed heritage asset in the area – namely the Grade II Listed Building of The Gladstone Club at 149 London Road.

The Map also shows the location of an Existing 48s Digital Display in “close proximity” to the Location of the Listed Building (Entrance Lodge and Gates) and a Locally Listed Important Building (the Former Granby Tavern).

The following Google Street View Photo has also been submitted with the Appeal as **APPENDIX K**.

Fig 10: (APPENDIX K) – Google Street View Photo showing Existing 48s Digital Display in “close proximity” to Location of a Listed Building (Entrance Lodge and Gates) and a Locally Listed Important Building (the Former Granby Tavern)



At the junction of Kings Road and London Road, where there is a high level of recorded accidents, there is also located an Existing 48s Digital Display at 120 London Road, (adjoining Former Granby Tavern) Reading RG1 5AY, as shown on the following site photo, which has been submitted with the Appeal as **APPENDIX K**.

The above 48 sheet digital advertising display has been allowed to remain in situ for over seven years by Reading Borough Council, despite the fact that the site is located at a junction with high levels of recorded accidents, and the application proposal was dismissed at appeal in November 2016 (**Appeal Ref: APP/E0345/Z/16/3155806**).

Copies of the site photo, the Appeal Decision Notice, and the Council’s Delegated Report have been submitted as **APPENDIX K**, **APPENDIX L** and **APPENDIX M**.

It is noted in the Appeal Decision Notice that the Planning Inspector made the following comments:-

“Notwithstanding the commercial character of the locality, the busy road network and proliferation of traffic signs and signals, as well as the existing hoarding, the

proposed sign would detract from the quality and range of the surrounding architecture.

The proposed media display would occupy the same position as the extant hoarding, set back from the busy road frontage between the Crown Colonnade and Granby Tavern, a Locally Important Building.

I therefore conclude that the proposed sign would adversely affect the visual amenity of the area, and detract from the setting of the neighbouring Granby Tavern”.

It is noted that both the Planning Inspector and the Council’s Case Officer commented that *“The site is located next to the Granby Tavern, which is a locally listed building”, and therefore there is an objection to the impact this proposal would have on the setting of the Granby Tavern*”. The location of the Granby Tavern building is clearly shown on the site photo **(APPENDIX K)**.

It is interesting that no reference was made to *“the setting of Grade II Listed Entrance Lodges and Gates and the Grade II registered park and garden at Reading Cemetery”*, which is located approximately 75m to the east of the Existing 48s Digital Display at 120 London Road. The heritage assets are also clearly shown on the site photo **(APPENDIX K)**.

It is considered that the Council’s assessment of the Appeal proposal’s impact on heritage assets in the area is totally inconsistent with national guidelines and permissions granted by the Council and other LPAs for similar digital advertisement applications in proximity to conservation areas or listed buildings. It is frustrating and confusing how the LPA has considered that the Appeal proposal *“would fail to protect and enhance the setting of Grade II Listed Entrance Lodges and Gates”*, which is located approximately 350m to the west of the Appeal site. It is clear that the Appeal proposal will not be viewed in the context of the heritage assets, whilst the Existing 48s Digital Display is viewed at a distance of 75m from the heritage asset.

LPAs adopt advertisement control policies in order to preserve and enhance conservation areas and listed buildings. However, many LPAs choose to use these controls flexibly and to use design and planning guidance to encourage suitable advertisement design, and so support advertisement developments in non-sensitive areas in conservation areas or in proximity to listed buildings.

Many LPAs across the UK have decided that *“appropriately sited and well-designed”* illuminated advertising may be acceptable within or adjacent to conservation areas and listed buildings. Although the location of digital advertisement displays are not normally permitted within the sensitive areas, it is clear that the Appeal site is not viewed in the context of the heritage assets, and is bounded on all sides by non-sensitive land uses.

Many conservation areas across the country include listed buildings as well as commercial premises ranging from small corner shops to large commercial centres consisting of a mix of retail, leisure, and public uses. Outdoor advertising and commercial signage can therefore be essential to the commercial vitality of these areas. It is therefore not unusual to find that commercial advertising displays and signage are prevalent in these areas.

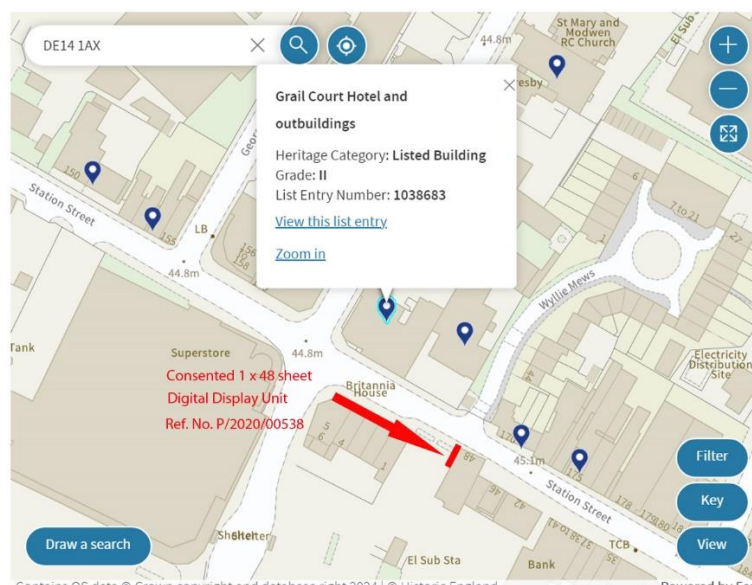
Local and national policies acknowledge that businesses within commercial areas will need to announce their presence to customers and suppliers, and that well-designed signage can add to the vibrancy and visual appeal of modern urban settings. As a result signs and advertisements can be found in many different sizes and formats in locations which are within, or in close proximity to, conservation areas or listed buildings.

The Appellant could highlight hundreds of similar 48 sheet digital advertisements across the UK which have been permitted in conservation areas, or fixed to / adjoining listed buildings, in locations ranging from cities as large as London to towns as small as Rhyl. 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 of a consented site, which is located in very close proximity to a Listed Building :-

Fig 11: (APPENDIX N) 48 Station Street Burton upon Trent DE14 1AX - (App. Ref. No. P/2020/00538) – Consented display of one 48 sheet gable mounted LED digital advertising display – granted on 24th July 2018.



Fig 12: Historic England Map of Station Street Burton upon Trent DE14 1AX - (App. Ref. No. P/2020/00538) – Showing Consented display of one 48 sheet gable mounted LED digital advertising display facing directly onto Listed Building (Grail Court Hotel) on the opposite side of Station Street



Copies of the site photo, the Decision Notice, and Delegated Report have been submitted with the Appeal as **APPENDIX N**, **APPENDIX O** and **APPENDIX P** respectively.

The Case Officer stated in the Delegated Report that ***"The site is located adjacent to the George Street Conservation Area. There are multiple Grade II Listed Buildings on the opposite side of the highway to the north and east of the application sites location"***. However, the Case Officer concluded that ***"It is not considered that the proposed signage would adversely affect the visual amenity of the area or the setting of the Conservation Area or the Listed Buildings opposite, the amenities of occupiers of neighbouring properties or highway or public safety. The application therefore satisfactorily accords with policies DP6: Protecting the Historic Environment and DP9: Advertisements of the East Staffordshire Local Plan and NPPF"***.

It can be seen clearly from the site photo and the Historic England Map that the consented 48 sheet LED illuminated advertisement is viewed in the context of the Grade II Listed Grail Court Hotel, and it could be argued that it interferes or distracts from the uses or views of this heritage asset. However, the Council in this case concluded that the advertisement proposal was *"appropriately sited and well-designed"*, and did not suggest that it would be *"detrimental to the character and appearance of the Conservation Area or Listed Buildings in the locality"*. The reasons for refusal of the Appeal proposal given by the Council are inconsistent with the assessment made by the relevant LPA in the case of this consented site.

The facts of the Appeal proposal are that the Appeal Site is not located within a conservation area, nor is it attached or adjacent to a Listed Building. There are no statutory listed buildings or locally listed buildings in the locality that would be harmed by the advertisement proposal, and Government advice would appear to favour the generality of the Appeal site and the surroundings as being suitable for this form of advertising.

It is considered that the siting and sequential images displayed on the proposed illuminated 48-sheet digital advertisement display screens *"would not fail to protect and enhance the setting of Grade II Listed Entrance Lodges and Gates and the Grade II registered park and garden at Reading Cemetery"*.

vi) Large size vii) orientation and viii) elevated position

The reasons for refusal stated that *"The application fails to demonstrate that the two proposed illuminated 48-sheet digital advertisement display screens by virtue of its large size, orientation and elevated position would not result in harm to the amenity of residents of dwellings in Cholmeley Road and Regent Street within the vicinity of the site and the wider area due to glare and light spill"*.

There are presently no large scale poster advertisements in the vicinity of the Appeal site, however, there is a heavy presence of commercial activities in the street scene. The design and appearance of the proposed signage is comparable to hundreds of sites that can now be found in prominent locations in most urban areas of major towns and cities across the UK. 48 sheet digital advertisements of the design and appearance proposed in the Appeal are not an 'uncharacteristic feature' in the typical street scene of urban areas. The Appeal proposal is therefore considered to be consistent with current market requirements and planning developments. It would not be out of keeping with the visual amenity of the area, and the proposed advertisements would not appear as unduly prominent or obtrusive features by reason of their size, orientation and position on this main road into and out of Reading.

The immediate surroundings of the Appeal site on the north side of London Road are characterised by a mix of uses. The proposed advertisements would face directly on to a

street scene where commercial, leisure and public uses are in close proximity. This is a predominantly commercial area where the overall visual impression of the street scene at this point is one of openness, and where the road passes through a built up area with development, activity, and signage on all sides.

The Appeal site is positioned in a sustainable built up commercial location, and it is therefore an appropriate location to sustain the proposed advertisement. The immediate environment of the Appeal site is largely influenced by the transport corridor and the continual level of activity and transiency within this dense urban area, where commercial establishments dominate the street scene. These include rows of shops, restaurants, bars, take-away establishments, barbers shops, car repair and car wash premises.

It is considered that the proposed advertisements would be in keeping with the Appeal site's setting, which comprises a mix of buildings with a wide range of scales and styles which reflect the varying uses and ages of the buildings. Illuminated advertisements of the scale and design proposed in the Appeal 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 commercial use areas of large open scale

The Case Officer considered that the proposed illuminated 48 sheet digital advertisement displays "would be harmful to the amenity and that of properties located in Cholmeley Road and Regent Street which overlook the application site". It can be noted from site photos (or a site survey) that there are no residential properties in these two streets which would face directly on to the proposed illuminated advertisements, and so any views of the proposed displays would be oblique and incidental. There will be no harm to the occupiers of these properties by way of loss of light or outlook is likely to occur. The **size, orientation** and **position** of the proposed displays would not have any significant detriment upon the amenities currently enjoyed by occupants of these residential properties.

It does not automatically follow that illuminated advertisements would have a detrimental impact on residential amenity in an area such as the Appeal 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.

Any concerns from the Council that the LED illuminated displays could result in harm to the residential amenity of nearby properties, especially at night time, can be mitigated with the inclusion of conditions to restrict the levels of luminance and the hours of illumination. To ensure that the proposed display operates without harming either visual amenity or public safety, the Appellant recommends that the proposal adheres to the schedule of planning conditions which were set out at the end of the planning statement.

The Appellant is aware that in other cases of similar LED illuminated advertisement 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 Appellant 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.

LPAs should ensure that there is consistency in decision making, and the interpretation of the national guidelines relating to the impact of digital advertisements on visual amenity. The Appellant considers that the LPA has failed to assess the reality of the site and its

surroundings, and its refusal decision was inconsistent with other similar digital application decisions across the country.

It is therefore considered that the impact of the proposed displays on residential properties in the locality will not result in any adverse impact on residential amenity or the character of the surrounding area, and the LPA's refusal decision is therefore inconsistent with decisions to grant consent for similar advertisement proposals across the country.

3) CONCLUSION

The Appeal proposal is simple in concept and similar to schemes that have been approved across the UK at both application and appeal stages. The proposed advertising displays will be appropriately controlled by special conditions to ensure that the potential for distraction is minimised. Under these circumstances such familiar urban features would not constitute potentially hazardous distractions to anyone exercising a reasonable standard of care, or give rise to any safety issues. They would also sit comfortably in the Appeal site's visual context without harming amenity, the qualities of the site, or the character and appearance of the surrounding area.

When considered objectively and in its particular context, the Appeal proposal is in accordance with the relevant policy framework. We therefore respectfully request that the Appeal be allowed,

27th March 2024