
960 Rochdale Road, Manchester

Advertisement Consent Appeal

Appellant's Grounds of Appeal

Prepared by Barton Willmore LLP on behalf of
Urban & Provincial Advertising Ltd

January 2022

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Prepared by:	Paul Landsberg & JK
Checked by:	Justin Kenworthy
Authorised by:	Justin Kenworthy

Barton Willmore LLP
7 Soho Square
London
W1D 3QB

Tel: 020 7446 6888
Email: justin.kenworthy@bartonwillmore.co.uk

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1.0 INTRODUCTION

- 1.1 These grounds of appeal have been prepared by Barton Willmore LLP in support of an appeal against the Manchester City Council's ("the Council") refusal of an application for Advertisement Consent (ref: 130937/AO/2021) by Urban & Provincial Advertising Limited ("the Appellant") for the installation of two internally illuminated advertisement media displays ("the Proposal") attached to approximately 3 metre high timber panel fencing at an irregular recessed site identified as 960 Rochdale Lane, Manchester, M9 7EP ("the Appeal Site"). The appeal is lodged under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 1.2 The Advertisement Consent Application was validated on 2nd July 2021 and was refused under Officer's delegated powers on 3rd December 2021 on grounds of the alleged harm to the visual amenity of the area, and the alleged detrimental impact on the residential amenity of residents on the opposite side of the road. The Council's Reasons for Refusal are:
- 1) The proposed advertising display would by virtue of its size, location, design, appearance and levels of luminance, have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the street scene and in a prominent location on Rochdale Road, a main radial route. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and be contrary to government guidance contained in chapter 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan.**
 - 2) The advertisement display, size, appearance, elevated position, means of illumination and digital display in close proximity to residential properties presents an intrusive feature to the residents on the opposite side of the road to the site on Rochdale Road, to the detriment of residential amenity. The proposed advertisement is therefore contrary to saved policy DC15 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, The Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).**
- 1.3 The Appellant considers the Council's Reason for Refusal to be ill founded having not had proper regard to the Appeal Site, the context of the surrounding area, the impact of the existing advertising display panel on the Appeal Site and ability to limit the impact of the advertisement using conditions.

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The Proposals would be located on a hoarding line located on the east side of Rochdale Road (A664). The Appeal Site used to support four paper and paste billboards, three 48-sheet billboard and a 98-sheet billboard, as shown in **Figures 1 & 2**. Historically, the Appeal Site is an established location for advertising having supported billboards since 1988.
- 2.2 The Appeal Site was the subject of an Advertisement Consent (ref: 30341) approved on 21st January 1988 for 4 x 48-sheet advertisement hoardings (see **Appendix 7**). The evidence included in **Appendix 1** demonstrates that the most recent advertisements were visible on the since September 2008, or earlier, until recently.
- 2.3 The site surroundings are predominantly commercial in character. There are a significant number of surrounding advertising hoardings located near the site in this well-lit area. There is a petrol filling station to the north of the site. The site immediately adjacent to the north comprises of densely planted shrubs. The residential development occupying an elevated position to south is very well screened by a mature and dense line of trees. The site immediately adjacent to the north is enclosed by palisade fencing behind which is located telecommunications equipment.



Figure 1: Previous billboard advertisements viewed from Rochdale Road (July 2019)



Figure 2: Previous billboard advertisements viewed from Rochdale Road (July 2019)

- 2.4 The Appeal Site is not located in a conservation area nor is it located in close proximity to any listed buildings or other heritage assets.
- 2.5 There are a significant number of illuminated and non-illuminated advertisements in the immediate area including to the commercial properties to the north-west, with a 48-sheet advertising hoarding on the flank wall. There is a very large banner advertisement on the warehouse building on the opposite side of Rochdale Road, and there is an externally illuminated 48-sheet advertising hoardings just to the south on Rochdale Road. This signage varies in size and type, from smaller signs associated with commercial premises, to large hoardings, not too dissimilar to the Proposal.

3.0 PROPOSAL

- 3.1 The two displays will each comprise 3m x 6m (48-sheet) in size and have been designed to be lightweight, durable, efficient and can be easily installed. The advertisement displays would project 0.061m from the timber panel fencing and the base of the advertisements would be located 1.8m above ground level. They will meet modern requirements of advertisers.
- 3.2 The location, orientation and size of the advertisement display to the north will remain unchanged when compared to the previous advertisement hoarding, while the advertisement display to the south would be significantly smaller than (i.e., half the size) the previous 98-sheet advertisement hoarding. Full details of the existing and proposed advertisements are included amongst the application documentation listed in **Appendix 2**.
- 3.3 The advertisements will be digital and will have a maximum luminance that does not exceed the guidelines as set by the Institute of Lighting Professionals (ILP) Technical Note 5 (see **Appendix 3**) and will be controlled by light sensors to vary the brightness of the screens according to the brightness of the day. During the daytime, the maximum brightness may increase to make the screen visible during bright sunlight. This will ensure that the level of luminance of the advertisements is sensitive to the change in daylight from sunrise to sunset and from summer to winter.
- 3.4 The standard approach for illuminated advertisements is to have a maximum brightness of 300cd/m² at night (on a full-white display) in accordance with the ILP Guidance Note 01/21 (page 24), noting that the daytime level is only referencing times when the display is in direct sunlight and that in most circumstances it would operate well below these levels. These brightness levels are defined so as not to cause glare to drivers or undue visual intrusion within a typical urban environment. This brightness is well below the ILP guidelines, as explained in the WSP Report (see **Appendix 9**) which provides helpful guidance for decision makers and applicants.
- 3.5 However, in view of the Council's concerns over the brightness of the advertisement, the Appellant is willing to limit the luminosity of the advertisement during night-time hours (between dusk until dawn) to 150cd/m² and switch the display off between the hours of 00:00 and 05:00 in order to match the night-time limits imposed on other consents in the City, including:
- Appeal decision reference: APP/B4215/Z/21/3267492 at Hulme Hall Lane, Manchester (see **Appendix 4**). In that case, the Inspector agreed that the

above limitations (including 200 cd/m²) are “...*less than the industry guideline*” (para.9) and concludes “...*with suitable controls in place, the proposed advertisement would not have an unacceptable effect on the visual amenity of the area*” (para. 13).

- Appeal decision reference: APP/B4215/Z/19/3226463 at 18 Hyde Road, Manchester (see **Appendix 4**).

- 3.6 Only static images (i.e., no moving images or flashing lights) will be displayed, but the advertisements will be capable of changing to display new adverts no more frequently than every ten seconds depending on how the advertising space is sold. This is in line with industry standard units of advertising space for sale, and in compliance with the Outdoor Media Centre Digital Large Format Roadside Code (2011). The changeover between adverts will take place instantly with no sequencing, fading, swiping or merging of images in order to minimise the potential for driver distraction. This derives from advice received from road safety specialists in line with industry and planning standards.
- 3.7 Content will be controlled remotely in real time from a Networks Operation Centre (NOC) and the Appeal Site will be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report any faults back to the NOC and a kill switch will turn the content to black until it can be resolved.
- 3.8 The Appellant’s suggested conditions, including controlling the brightness and hours of operation of the advertisement, are set out at **Appendix 5**.

4.0 PLANNING REGULATIONS AND POLICY

- 4.1 The legislative framework for the control of display of advertisements is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the Advertisement Regulations"). Regulation 3(1) of the Advertisement Regulations states a local planning authority shall exercise their powers in the interests of amenity and public safety, taking into account a) the provisions of the development plan where they are material, and b) any other relevant factors.

National Planning Policy Framework

- 4.2 The National Planning Policy Framework 2021(NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overarching theme of the document is sustainable development and seeks to achieve positive improvements in the quality of the built, natural and historic environment. The NPPF places great importance on the design of the built environment as a key aspect of sustainable development.
- 4.3 With regards to advertisements, Paragraph 136 of the NPPF reflects the Regulations and states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

- 4.4 As described in the National Planning Practice Guidance (NPPG) the regime is a "lighter touch" than the system for obtaining planning permission for development. The NPPG also clarifies that a local plan does not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.

Development Plan

- 4.5 The parts of the Council's Development Plan relevant to this Appeal comprise the Manchester Core Strategy ("the Core Strategy"), which was adopted on 11 July 2012, and the saved policies of the Unitary Development Plan for the City of Manchester ("the Unitary Development Plan") adopted in 1995.

- 4.6 The Core Strategy sets out the planned level of growth (housing, jobs and associated infrastructure) across the city in coming years and where it should take place. The Core Strategy also contains overarching strategic planning policies that are to be used on a variety of development proposals. The Unitary Development Plan includes several development management related policies that set out more specific planning policy objectives.
- 4.7 The Council cites the following policies in its Reason for Refusal:
- Core Strategy
 - EN1 – Design principles and strategic character areas;
 - SP1 – Spatial principles; and
 - DM1 – Development management.
 - Unitary Development Plan
 - DC15 – Advertisements, hoardings and posters.
- 4.8 Policies EN1, SP1 and DM1 of the Core Strategy set out high level generic policy guidance intended to provide overarching policy parameters relating to the management of the built and natural environment as well as protect the character and amenities of an area. These policies offer no specific policy requirements relevant to advertisement applications. The Appellant therefore considers that these policies have little relevance to the consideration of the substantive points raised as part of this Appeal.
- 4.9 Policy DC15 of the Unitary Development Plan set out specific policy guidance relevant to advertisement proposals. The policy is split into three sections and includes various criteria to be used in the consideration of a range of advertisement proposals. Section 15.1 of the policy relates entirely to advertisements displayed on free standing hoardings and wall mounted posters.
- 4.10 **Table 1**, overleaf, sets out the relevant criteria within section 15.1 that is relevant to the Appeal Scheme proposals and the content of section 15.2 of the policy. Given the Appeal Scheme has not been refused on grounds of highway safety, it is assumed policy 15.2(d) is not relevant to the appeal and is therefore not included.

TABLE 1: RELEVANT DEVELOPMENT PLAN POLICIES
Extracts from Policy 15 - Advertisements, hoardings and posters of the Unitary Development Plan
<u>Section DC15.1</u> The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining applications for free standing hoardings and wall mounted posters the Council will take account of the following matters in assessing these interests: a) The general location of the proposed advertisements and the effect of visual amenity; j) The number of advertisements in the locality and their cumulative effect on visual amenity. <u>Section DC15.2</u> In assessing the interests of amenity and safety the Council will take account of the following criteria: a) developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use; b) they should be in scale with the locality and relate properly to the site on which they stand; c) they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;

- 4.11 While not highlighted by the Council, it should be noted that section 15.3 of Policy 15 states:

"Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity".

5.0 PLANNING CONSIDERATIONS

5.1 Having regard to the Council's Reasons for Refusal as set out in Section 1, the first reason relevant to the determination of this Appeal is its effect on the visual amenity of the area because of the size, location, design, appearance, use of an LED display siting and the changeable content proposed.

5.2 The second reason for refusal is the size and elevated position of the advertisement display, and the impact of its illumination on the residents on the opposite side of the road.

A. Visual amenity

5.3 'Amenity' is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5.4 Paragraph 079 (Reference ID: 18b-079-20140306) of the NPPG recognises that the meaning of amenity can be wide ranging but in the context of assessing advertising it is usually defined as being the impact on visual or aural amenity in the immediate neighbourhood. Paragraph 079 goes on to highlight if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

5.5 The character and setting of the Appeal Site, street scene and surrounding area is predominantly commercial in character with some residential accommodation, populated by roads, a variety of businesses and services with both illuminated and non-illuminated signage along established shop frontages and roadside advertising. Other 48 sheet billboards are present in the area, including just to the north-west of the Appeal Site on the flank wall of the nearby commercial properties, and to the south along Rochdale Road (A664). There are also several illuminated streetlamps in the immediate vicinity of the Appeal Site, with one at the Appeal Site and two immediately opposite the Appeal Site, including one streetlamp located directly in front of the residential properties.

5.6 The Appeal Site is not located within a Conservation Area, nor is it attached to or within the setting of statutorily or locally listed buildings. Accordingly, the immediate neighbourhood to the Appeal Site does not possess any built environment qualities that would merit special protection.

- 5.7 The proposed signage is the smallest form of large format outdoor advertising and is an industry standard measuring 6 metres by 3 metres. Advertisements of this scale are evident throughout the UK. The proposed advertisement display to the south would also be half the size of the previous 98-sheet advertisement that it would replace.
- 5.8 The previous advertisements have formed part of the character of the area for nearly 33 years, with Advertisement Consent approved on 21st January 1988 for 4 x 48-sheet advertisement hoardings. Accordingly, the previous advertisement is a well-established feature of the local street environment. The history of the Appeal Site and the consent for the existing advertisement are material considerations that carry significant weight in the determination of this Appeal. The Appellant therefore strongly disagrees with the Council's position that the Proposals detrimentally impact on the visual amenity of the area, thereby constituting an unduly obtrusive, incongruous and over dominant feature within the street scene, particularly as one of the display panels would be half the size of the previous advertisement hoarding in this location.
- 5.9 The Proposal proactively seeks to upgrade and improve the appearance of the previous advertisement in order for it to have a positive impact on visual amenity of the area. The use of contemporary high-quality materials will ensure that the replacement signage appears sleek, modern and represents an enhancement compared to the existing billboards. A regular and ongoing maintenance programme will ensure that the quality of the advertisement is preserved. The modernised digital advertisement display will increase the revenue potential of the Appeal Site, thereby also increasing the business rates due to the Council and providing wider amenity benefits to the local area and local community. Moreover, the amount of waste generated from replacing the existing paper and paste style advertising offers environmental benefits.
- 5.10 The Appellant disagrees with the Council's assertion that the inclusion of LED illumination would materially and harmfully change the relationship of the advertisement hoardings to the street scene, and attract significantly more attention to them, thereby allegedly accentuating their visual prominence and appearing as a harmful and dominating feature in the street scene. The Appeal Site is located on a busy main radial route into the city centre that is well lit by streetlamps, illuminated commercial advertisements, and is subject to light spill from the high volumes of oncoming traffic, commercial premises and streetlamps. Accordingly, the Appeal Site

is located within a well-lit area where one would expect to find advertisements such as the Proposal.

- 5.11 The display will be controlled by timers and light sensors to ensure that it adjust in accordance with ambient light. The screen's level of illuminance will be controlled to ensure that it does not give rise to amenity issues. By way of an illustrative example, the Illumination Comparison Image at **Appendix 6** shows a digital LED (elevated to a flank wall), and a paper and paste poster display presenting the same advertisement. During daylight hours, the LED advert appears no brighter or more prominent than the unilluminated poster advert. At night, the controls to the brightness of the advertisement and its hours of operation would ensure that it would not appear unduly dazzling or out of place within a what is a well-lit environment. The controlled illumination proposed would not therefore cause the advertisement to appear overly prominent, or as a dominant feature of the street scene and would not detract from the amenity of the Appeal Site or wider surroundings.
- 5.12 Overall, a 10 second period between images is standard within the industry and would not be perceived as 'constantly' changing. Taking into account the instantaneous transitions between the static advert images discussed above, the only real difference between the existing and proposed advertisement displays is the introduction of illumination via a digital display.
- 5.13 The Appellant therefore argues that the Proposal for illuminated advertisements in an area such as this is wholly appropriate, would be an improvement compared to the appearance of the existing billboard and in keeping with the existing visual amenity of the area, particularly as one of the advertisements would be half the size of the previous advertisements, and as such, the Proposal would be in accordance with paragraph 136 of the NPPF and development plan policy.
- 5.14 The Appellant draws reference to a similar site located within Manchester (Land on south side of Hyde Road, Denton – APP/G4240/Z/21/32775 – see **Appendix 8**) and previously had advertisement panels but was vacant when the advertisement consent application was submitted to the local planning authority. When determining the appeal the Inspector reported, in paragraphs 9 and 10, that:
- The previous advertisements on the site were a moderate weight in the determination of the appeal;
 - The existence of other advertisement displays in the area;

- The proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to its surroundings; and
- Subject to appropriate safeguards relating to the level of illumination and related matters, the appeal proposal would not be over dominant or form an intrusive feature to the detriment of the surrounding area.

B. Residential Amenity

5.15 The nearest residential properties to the Appeal Site are located to the south of the Appeal Site. These properties will not face directly towards the displays and will not be visible from within these properties.

5.16 As stated above, the advertisement displays will be controlled by timers and light sensors to vary the brightness of the screens according to the brightness of the day. The screen's level of illuminance will be controlled to ensure that it does not give rise to amenity issues for the residents on the opposite side of Rochdale Road. This is shown in the illustrative example at **Appendix 6**. During daylight hours, the LED advert appears no brighter or more prominent than the previous unilluminated poster adverts. At night, the controls to the brightness of the advertisement and its hours of operation would ensure that it would not appear unduly dazzling or out of place within what is a well-lit environment. The controlled illumination proposed would not therefore cause the advertisement displays to have a harmful impact on residential amenity.

5.17 As discussed in section 3 of this Statement, the Appellant is willing to agree to conditions controlling the brightness of the advertisement display to be 150cd/m² at night-time and to switch the display off between the hours of 00:00 and 05:00, which is below the industry standard defined by the ILP Technical Guidance Note 5 (**Appendix 3**) and WSP's Report (**Appendix 9**) and is consistent with other consents in the City (see **Appendix 4**). It is considered that these controls would adequately address any alleged harm to residential amenity, particularly the angled views of the displays from the residential accommodation windows, as this would remove the intermittent nature of the advertisements together with the illuminance during these times.

5.18 Overall, a 10 second period between images is standard within the industry and would not be perceived as 'constantly' changing. Taking into account the instantaneous

transitions between the static advert images discussed above, the only real difference between the existing and proposed advertisement displays is the introduction of illumination via a digital display, and as detailed above, this could be addressed through the adequate controls that would be secured by condition.

- 5.19 The Appellant therefore argues that the Proposal for an illuminated advertisement display in an area such as this is wholly appropriate and would not result in a harmful impact on residential amenity, in accordance with paragraph 136 of the NPPF and development plan policy.

C. Other Considerations

- 5.20 In terms of wider public benefits of the upgraded advertisements proposed, the ability to allow void periods to be used for non-commercial purposes (e.g., charitable campaigns and public art) will bring public benefits, whilst the ability to support emergency messaging also has a societal benefit.

- 5.21 When compared to the conventional paper and paste hoardings, the proposed displays will bring a wide range of benefits as follows:

- Reduction in vehicle trips for reposting adverts (i.e., from an average of 34 trips to 2);
- Eradicating the need to print posters and avoiding the associated waste involved in the production process;
- Ability to broadcast emergency messaging (e.g., public health messaging);
- Ability to use void periods for non-commercial campaigns;
- Opportunity for more creative real time and locally relevant advertising; and
- Opportunity to integrate additional hardware to meet Smart City objectives.

6.0 CONCLUSIONS

- 6.1 In accordance with the NPPF, Policies EN1, SP1 And DM1 of the Core Strategy and Policy 15 of the Unitary Development Plan, advertisements should only be resisted where they are harmful to amenity or public safety. The Council refused the application on the grounds of alleged harm to visual amenity, and the alleged impact on residential amenity, only.
- 6.2 The Council's Reason for Refusal has been taken into consideration and Section 5 of these Grounds of Appeal demonstrate that digital format advertisements would not have an unacceptable detrimental impact on the host site and the visual amenity of the area and on the amenities of neighbouring properties. It is considered that the Council's refusal of advertisement consent is not justified and based upon little evidence. An assessment of the circumstances and context of the immediate neighbourhood and consideration of the conditional controls (see **Appendix 5**) that could be imposed reveals that the Proposal would not appear unduly prominent, would not result in a detrimental impact on residential amenity nor would it visually harm the character of the surrounding area.
- 6.3 Section 5 of these Grounds of Appeal demonstrate that the application was not fully considered on its merits and positive aspects of the Proposal were not taken into account. In particular, when determining the application, the Council has failed to:
- a. Give sufficient weight to the previous advertising, which is a long-established part of the character of this local area and is a significant material consideration;
 - b. Give sufficient weight to the fact that this Proposal will simply replace the previous advertising with a better-quality facility;
 - c. Give sufficient weight to the Appeal Site being situated in a well-lit environment that includes multiple other advertisements;
 - d. Give consideration to the Appellant's offer to alter the operation of the proposed advertising or to consider ways in which the imposition of conditions would overcome concerns in relation to visual and residential amenity; and
 - e. Give consideration to the benefits of the Proposal.
- 6.4 For the reasons set out in this Statement, it is respectfully requested that this Appeal be allowed.

APPENDIX 1

10 YEAR EVIDENCE (SOURCE: GOOGLE STREETVIEW)

Sept 2008:



Nov 2015:



July 2019:



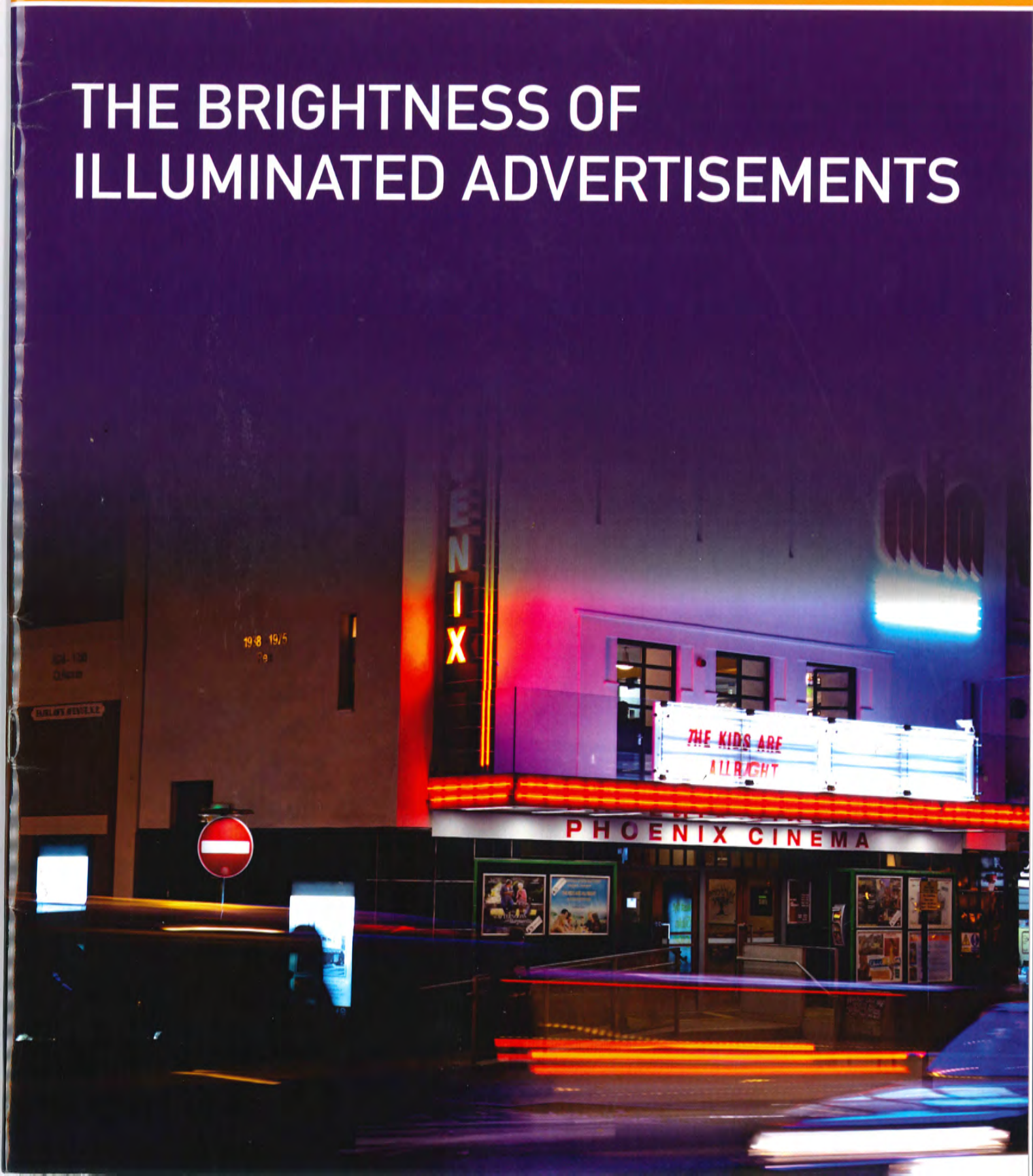
APPENDIX 2

LIST OF APPLICATION MATERIAL

- Completed application forms prepared by Barton Willmore;
- Letter Statement prepared by Barton Willmore;
- Architectural drawings:
 - PA/01 Site Location Plan
 - PA/02 Existing Site Plan
 - PA/03 Proposed Site Plan
 - PA/04 Existing and Proposed Elevations
 - PA/05 Existing and Proposed Elevations

APPENDIX 3
EXTRACT FROM INSTITUTE OF LIGHTING PROFESSIONALS
TECHNICAL NOTE 5

THE BRIGHTNESS OF ILLUMINATED ADVERTISEMENTS



Professional Lighting Guide

PLG 05

The Brightness of Illuminated Advertisements

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Institution of Lighting Professionals

Regent House

Regent Place

Rugby

Warwickshire

CV21 2PN

Tel: (01788) 576492

Email: info@theilp.org.uk

Website: www.theilp.org.uk

Registered Charity Number 268547



8 Recommendations

The maximum value of luminance anywhere on the surface of an advertisement at any time during the night is given in Table 4. This guide makes no recommendations about the luminance distribution across the advertisement as this is a matter of design and the message that the sign has to convey.

Table 4: Maximum permitted recommended luminance (cdm^{-2})

Illuminated area (m^2)	Zone E0	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10	0	100	400	600	600
Over 10	0	n/a	200	300	300

Note:

1. For digital signs when the content may change then the rate of change should be limited to once every five seconds. Moving images, animation, video or full motion images should not be displayed at locations where they could present a hazard for example if they could be seen by drivers in moving traffic. During the daytime sign luminance should never exceed $5,000\text{cdm}^{-2}$.
2. LPAs may wish to impose additional controls by setting limits on the times when the illuminated advertisement may be lit.
3. The above recommendations for maximum luminance may not apply to recognised display centres, such as Piccadilly Circus, which must be considered as special cases. Recognised display centres usually exhibit the following features:
 - a. concentration of illuminated advertisements, some of which do not relate to the business premises on which they are erected.
 - b. extensive use of animation.

4. Mounting of illuminated advertisements well above the building frontage height. In such instances an approach based on advertisements with an illuminated area greater than 10m^2 having a maximum luminance of 1000cdm^{-2} would be a reasonable starting point, depending on the precise nature and extent of the installation.

APPENDIX 4
APPEAL DECISIONS – APP/B4215/Z/21/3267492 &
APP/B4215/Z/19/3226463



Appeal Decision

Site Visit made on 14 April 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/B4215/Z/21/3267492

Side Wall of Hadfields Depot, Hulme Hall Lane, Manchester, M40 8AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Urban & Provincial Advertising against the decision of Manchester City Council.
- The application Ref 128324/AOH/2020, dated 1 October 2020, was refused by notice dated 11 December 2020.
- The advertisement proposed is the installation of a wall mounted, digital media display to replace existing advertisement.

Decision

1. The appeal is allowed and express consent is granted for the installation of a wall mounted, digital media display to replace an existing advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) Between dusk and dawn, the intensity of luminance of the advertisement permitted by this consent shall be no greater than 200 candela per square metre. At all other times, the intensity of the illumination shall be no greater than that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. No images shall be displayed that resemble road signs or traffic lights.
 - 3) The advertising display shall have a system in place to ensure that, in the event of a malfunction, the screen defaults to blank.

Preliminary Matters

2. I have used the description of development from the decision notice and appeal form, which more accurately describes the proposal than that used on the original application form.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The appeal site faces onto Hulme Hall Lane, close to the junction with Oldham Road, and the character of the area is strongly defined by these main arterial roads. The surrounding area has a mix of uses, but is predominately commercial in nature. There is a small row of shops opposite the appeal site, and the nearest housing estate is some distance away on the other side of Hulme Hall Lane.
5. The proposed 6m x 3m digital LED display would replace the existing 48 sheet paper advertisement on the side of the Hadfields Transport building. There are a number of existing advertisement hoardings close to the appeal site, with a cluster of signs on the area of land immediately opposite, which forms an island between Hulme Hall Lane and Oldham Road. Nearby signage mostly takes the form of large paper hoardings, but there are also smaller signs associated with businesses in the area, some of which are illuminated. A large free standing LED digital display is sited in a prominent location at the point where Hulme Hall Lane divides into two.
6. The area around the appeal site is dominated by busy roads and, like the existing sign, the proposed replacement would be viewed predominately by drivers and passengers of passing vehicles. The site is close to the junction with Oldham Road and can be seen by traffic travelling along that road in an easterly direction, away from the City Centre. However, given the location of the appeal site around the corner on Hulme Hall Lane, the existing sign is not a prominent feature when viewed from Oldham Road, and this would not alter significantly as a result of the proposed change to a digital format.
7. The appeal site is clearly visible when travelling along Hulme Hall Lane in a south easterly direction, but due to its location close to the junction and directly facing the side of the road, the existing sign is not particularly obtrusive from this section of the road. When travelling in the other direction, the appeal site is viewed in the context of other signage, particularly that located on the island of land between the main roads. However, when travelling in a north westerly direction along Hulme Hall Lane, the existing sign appears less prominent than other advertisements nearby, owing to its position facing the far side of the split carriageway.
8. The proposed display would be of a similar size and position to the existing sign, so would not add to the overall level of advertising clutter in the area. The appeal site is located within a well-lit urban environment, where advertisements, some of which are illuminated, form a significant aspect of the existing character of the area. In this location, the proposed digital sign would not be unexpected or appear out of place, and whilst the proposed change to a digital format would make the advertisement more noticeable, the proposed controls over the operation of the sign would help to ensure that it would not become overly obtrusive or prominent.
9. During daylight hours, the brightness of the display would be controlled to respond to the surrounding light conditions, and would comply with guidelines

set by the Institute of Lighting Professionals. The appellant has confirmed that they would be willing to limit the luminosity to 200 candelas per square metre during hours of darkness, which is less than the industry guideline, and that the sign would be switched off between midnight and 05:00. These measures would help to limit the effect of the proposal on the visual amenity of the area, particularly in low light and dark conditions.

10. The introduction of changing images is likely to draw attention to the sign to some extent, but controls over the speed of change between images and the form of transition, would mean that this effect would be momentary, and would not cause undue harm to the amenity of the area.
13. I conclude that, with suitable controls in place, the proposed advertisement would not have an unacceptable effect on the visual amenity of the area. As such, there would be no conflict with paragraph 132 of the National Planning Policy Framework, which notes that the quality and character of places can suffer when advertisements are poorly sited and designed.
14. I have taken into account Saved Policy DC15 of the Unitary Development Plan for the City of Manchester (UDP) which is concerned with advertisements and so is material in this case. As I have concluded that the proposal would not harm amenity, the proposal does not conflict with this policy. Saved UDP Policy E3.3 seeks to upgrade the appearance of the City's major radial and orbital roads, but the proposal would provide a modern and high quality sign, and I have been provided with no information to suggest that the proposal would undermine the objectives of this policy.
15. I note reference made by the Council to two appeal decisions concerning proposals for digital LED signs, both of which were dismissed. However, those proposals were in different locations to the current appeal. I have assessed this appeal in relation to the particular context of the area surrounding the site, which is different to that of the examples provided.

Conditions

16. The Council has raised no objection to the proposal in relation to public safety, however, in order to avoid causing distraction to drivers, the highways officer has suggested additional conditions to control the brightness of the proposed sign and the speed and nature of changing images. The appellant has suggested additional conditions covering similar matters.
17. I agree that the suggested conditions are necessary to protect amenity and public safety, and have imposed them with minor alterations to wording. I have included reference to the recommendations of the Institute of Lighting Professionals, in order to safeguard amenity. I have also imposed the Council's suggested condition requiring that the screen reverts to black in the event of a malfunction, to avoid such events causing distraction to drivers and associated harm to highway safety.

Conclusion

18. For the reasons given, the appeal is allowed subject to the conditions.

R Morgan

INSPECTOR



Appeal Decision

Site visit made on 29 May 2019 by G. Sibley MPLAN MRTPI

Decision by Andrew Owen MA BA(Hons) RTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2019

Appeal Ref: APP/B4215/Z/19/3226463

18 Hyde Road, Manchester M12 5AR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Jonathan Chandler of Wildstone Capital Limited against the decision of Manchester City Council.
 - The application Ref: 122232/AOH/2018, dated 21 December 2018, was refused by notice dated 13 February 2019.
 - The advertisement proposed is replacement of 1 no. 48 sheet poster display and 1no. 96 sheet poster display with 1 no. double-sided 48 sheet internally illuminated digital display and associated logo box.
-

Decision

1. The appeal is allowed, and express consent is granted for the replacement of 1 no. 48 sheet poster display and 1no. 96 sheet poster display with 1 no. double-sided 48 sheet internally illuminated digital display and associated logo box as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations, and the following condition:
 - 1) The digital advertising screens hereby approved shall be displayed only in accordance with the following:
 - a) No individual advertisement displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble roads signs or traffic signals;
 - b) No individual advertisement shall be displayed for a duration of less than 30 seconds;
 - c) The interval between successive displays shall be 1 second or less;
 - d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to change in ambient light levels;
 - e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error message or pixilation;
 - f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 150 cd/m² during non-daylight hours.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

3. The appeal site is situated on the southern side of Hyde Road between two commercial properties. The existing two hoarding advertisements share a stand, are positioned at 90 degrees to Hyde Road and are set back from the public footpath. They are seen against a backdrop of the commercial building close behind them and in fact the wider area is predominantly commercial and industrial apart from a row of terraced dwellings near to the appeal site.
4. The proposed advertisement will be a similar height and size to the existing eastern facing elevation and will be smaller than the western facing elevation. Therefore, there would be a reduction in the overall amount of advertisement space on the appeal site. The existing advertisements are not overly prominent when viewed within the context of the larger buildings that frame it and the proposed advertisements, being a similar size, would have a similar impact.
5. There are further hoardings near the roundabout to the west and another advertisement to the east, but I considered there to be enough distance between the sites that the advertisements would not be incongruous either individually or cumulatively. Also as the proposed scheme would not alter the current situation of two adverts on the site, the proposal would not add clutter.
6. The existing advertisements are illuminated by strip lighting along the top of the hoardings. The proposed advertisements would be back lit and therefore, both advertisements create illumination. However, I consider the difference between the two forms of illumination to have a negligible effect on the character of the area.
7. The existing advertisement currently displays a single advert on each side of the hoarding whilst the proposed hoarding would be able to display a number of static images at intervals. I consider the difference between displaying a single advert in this location and a multitude of adverts at intervals would not increase the visual prominence of the advert and so would have no material effect on the character of the area.
8. The Council have said that the proposed advertisement would have a detrimental impact on local regeneration. I have not been provided with detailed information of any regeneration proposals so I give this matter little weight. Also, the Council have referred to the site's location on a City Centre radial route and policy E3.3 of the Council's Unitary Development Plan (UDP) requires the City Council to seek to upgrade the appearance of major radial and orbital routes. I do not consider the proposed advert would harm the appearance of this radial route or conflict with this policy.
9. I consider that the advertisement would not adversely affect the visual amenity of the area. I have considered Policies EN1, SP1 and DM1 of Manchester's local Development Framework Core Strategy (CS) and saved policies DC15.1, DC15.2 and E3.3 of the UDP which taken together, principally seek to ensure that proposals relate appropriately to the character and appearance of their location. I have also accounted for paragraph 132 of the National Planning Policy Framework (the Framework), which guards against poorly placed

advertisements. I have concluded that the proposed development does not harm amenity, it therefore accords with these policies and the Framework.

Conditions

10. The Council and the appellant have provided me with a list of conditions that they would wish to see imposed, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, in the event the appeal was allowed. I have considered the suggested conditions against the advice in the Planning Practice Guidance and the Framework.
11. In the interests of public safety and amenity, I have imposed a condition for controlling the content of the images, their sequencing, and the level of illumination.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G. Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

APPENDIX 5 SUGGESTED CONDITIONS

The Appellant accepts the standard conditions for advertising and in addition to this proposes the following standard operational conditions to control the operation of the digital display:

1. The intensity of the illumination of the sign permitted by this consent shall be no greater than 150 candela per square metre in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions for an urban environmental zone (E4). At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).

Reason: In the interests of amenity and in order to retain effective planning control.

2. The minimum display time for each advertisement shall be no less than 10 seconds;

Reason: In the interests of amenity and public safety in order to retain effective planning control.

3. Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects.

Reason: In the interests of amenity and public safety in order to retain effective planning control.

4. No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.

Reason: In the interests of amenity and public safety in order to retain effective planning control.

5. The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.

Reason: In the interests of amenity and public safety in order to retain effective planning control.

6. The advertising display will be operational between the hours of 05:00 and 00:00 and turned off between the hours of 00:00 and 05:00.

Reason: In the interests of amenity and in order to retain effective planning control.

It is considered that these additional conditions are reasonable and related to the appeal proposal. It is not considered that any other conditions are required.

APPENDIX 6
ILLUMINATION COMPARISON IMAGE

ILLUMINATION COMPARISON

The image shows a digital LED (elevated to flank wall), and a paper paste poster display presenting the same advertisement. The LED advert appears no brighter, or more prominent than the unilluminated poster advert. The Proposal's limited illumination would not therefore cause it to appear overly prominent, or as a dominant feature of the street scene. It would not detract from the amenity of the site, its surroundings, or the character of the wider area.



Image 1: 851 Uxbridge Road (Advertising Right), Hayes, UB4 8HZ. LED display mounted to gable wall, paper and paste poster display adjacent vegetation.

APPENDIX 7
1998 ADVERTISEMENT CONSENT

Planning

Growth & Neighbourhoods Directorate

Register of Applications

Application Reference	Date Registered
30341	17 Nov 1987

Applicant's Name & Address

KMS Advertising PLC,
9, Worsley Road, Swinton, Manchester M27 1WN 793-0234

Agent's Name & Address (where applicable)**Location**

960, Rochdale Road, Blackley CHARLESTOWN

Proposal

4 x 48 sheet advertisement hoarding

Ward(s)**Decision**

Approved

Date of Decision

21 Jan 1988

Conditions and Reasons:

1) Conditions 1. All advertisements, displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority. 2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the local planning authority. 3. Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the local planning authority.

APPENDIX 8
APPEAL DECISION – APP/G4240/Z/21/32775

Appeal Decision

Site visit made on 28 September 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/G4240/Z/21/3277571

Land on south side of Hyde Road, Denton M34 3EH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/01238/ADV, dated 10 December 2020, was refused by notice dated 28 April 2021.
 - The advertisement proposed is the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation.
-

Decision

1. The appeal is allowed, and express consent is granted for the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation, as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:
 - 1) No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.
 - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change into the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays.
 - 3) During the hours of darkness the illumination level shall be no greater than 150 candelas per square metre during night-time hours and 300 candelas per square metre during twilight and in low light conditions. At all other times the illumination level shall not exceed 600 candelas per square metre. The display shall be equipped with a dimmer control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 4) The digital display shall be switched off between the hours of 00:00hrs and 05:00hrs.
 - 5) The sequential advertisement on any display panel shall not change more than once every ten seconds.

6) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.

Procedural Matters

2. For clarity, I have taken the description of development from the Council's decision notice and other appeal documents submitted by the appellant, as it is more precise than that given on the application form.
3. The appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the details considered at appeal stage are essentially the same as those considered and consulted upon by the Council at planning application stage. The intended revision is to increase the level of luminance to that stated on the application form. The revision evolves and materially alters the scheme that was originally submitted. Thus, I do not accept the revision and shall consider the appeal based on the level of luminance that was originally submitted to the Council for determination.
4. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. I consider that there have been no fundamental changes relevant to the main issue in this appeal and therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.
5. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

6. Neither the Highway Authority, nor the Council, has raised an objection to the proposal in public safety terms, and I have little reason to disagree with this view.
7. Therefore, the main issue is the effect of the advertisement on the amenity of the appeal site and surrounding area.

Reasons

8. The appeal site comprises a raised area of land, which until recently had 2no. externally illuminated poster boards sited upon it. The site is located adjacent to Hyde Road (A57) and is set back from the carriageway, which is a busy urban road with a slip road joining the A57 from the M67 in proximity. The area is of mixed use with both residential and commercial properties.
9. During my visit, I viewed the site from various locations along the A57. The previous poster hoarding, albeit now removed, is a consideration to which I give moderate weight in this appeal, as it was of a similar size and in a similar position to the appeal scheme. However, I am mindful that whilst the proposal has similar dimensions to the previous poster hoarding and is in a similar

location, the main difference is that the appeal proposal would be of a digital format and would incorporate changing images. During my visit, I also noted the existing poster hoarding on the gable end of 292 Hyde Road and the modest dual display on the opposite side of the A57 to the site.

10. Overall, I find that the proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to its surroundings. Additionally, the display unit would not directly face any properties on the opposite side of the A57. Accordingly, I am satisfied that, subject to appropriate safeguards relating to the level of illumination and related matters, the appeal proposal would not be over dominant or form an intrusive feature to the detriment of the surrounding area.
11. I therefore consider that the advertisement would be generally compliant with the design, character and appearance aims of Policy C1 of the Tameside Unitary Development Plan (2004) and the requirements of the Framework. I am also satisfied that the appeal scheme would accord with the recommendations of the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements.

Conditions

12. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the PPG, revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point, but have attached conditions more consistent in their necessity and form with the relevant advice.
13. The additional suggested conditions relate to the proposed level of illumination, and the nature of the advertisements. In the interests of visual amenity, I consider it reasonable and necessary to impose conditions to that effect broadly along the lines proposed. However, for reasons of enforceability, it is reasonable and necessary to include an upper luminance limit during daylight hours and the display includes a sensor to adapt to changing light levels, whilst incorporating a safety feature.

Conclusion

14. The proposed advertisement would not have a detrimental visual effect on the amenity of the appeal site and the surrounding area. For the reasons set out above, I conclude that the appeal should be allowed.

W Johnson

INSPECTOR

APPENDIX 9
WSP REPORT (ILLUMINATION)



Wildstone Capital Ltd

MEDIA SCREEN ILLUMINATION REQUIREMENTS

A Guide for Planners and Applicants



Wildstone Capital Ltd

MEDIA SCREEN ILLUMINATION REQUIREMENTS

A Guide for Planners and Applicants

TYPE OF DOCUMENT (VERSION) CONFIDENTIAL

PROJECT NO. 70081019

DATE: JUNE 2021



Wildstone Capital Ltd

MEDIA SCREEN ILLUMINATION REQUIREMENTS

A Guide for Planners and Applicants

Contact name: Allan Howard

Contact details 07827 306483 | Allan.Howard@wsp.com

WSP

Unit 9, The Chase
John Tate Road, Foxholes Business Park
Hertford
SG13 7NN

Phone: +44 1992 526 000

Fax: +44 1992 526 001

WSP.com



QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks	Issue			
Date	18/06/2021			
Prepared by	Allan Howard			
Signature				
Checked by	Paul Batchelor			
Signature				
Authorised by	Stephen Halliday			
Signature				
Project number	70081019			
Report number				
File reference				



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APPENDIX 1 MODEL TERMS OF CONDITIONS

1 PURPOSE OF THE GUIDE

This guide has been developed by Allan Howard BEng (Hons) CEng FILP FSL technical director for lighting at WSP. Allan is a professional lighting expert and has specialised in light and light for over 39 years and is a member of various national and international technical boards developing standards and good practice in the application artificial light. Allan through the International Commission for Illumination (CIE) is actively engaged in the development of the performance requirements for media screens. Further details of Allan's expertise are provided within section 4 of this guide.

This guide aims to explain and guide all parties, including planners and applicants through the planning requirements with respect large format media screens (greater than 10m²) and to offer additional guidance for a best practice approach so that appropriate planning conditions can be imposed which control the operation of advertisements in the interests of amenity and public safety while meeting the tests for planning conditions. By following this guidance applicants will ensure, and planners will be able to confirm that their proposed media screen installations are designed such that they protect the day and night-time environment within our towns and cities as well as within the countryside and do not present a hazard to motorised traffic.

The guide is arranged into the following main sections:

- Background and identification of issues;
- What existing controls are in place?
 - o Overview
 - o Planning (Control of advertisements) Regulations
 - o Light nuisance
 - o Control via condition
 - o Images displayed
 - o Light sources
- Recommendations
- Appendix – Model Planning Conditions

This guide explains and provides planners, applicants and those with an interest in the presence of media screens with respect to the lighting performance requirements of large media screens greater than 10m² in area. The aim of the guide is to ensure a common understanding and thus ensure the smooth passage of advertising planning applications through the planning process in the interests of amenity and in order to retain effective planning control.

2 BACKGROUND AND IDENTIFICATION OF ISSUES

Illuminated advertising installations are generally designed for a purpose which is normally to convey images, messages and information to observers located at ground level. For such installations the illuminated image should be directed towards the desired observers, restricting light emitted in other directions.

Such installations need to be balanced as over lighting can ruin the day and night scape and cause annoyance, distraction or even visual discomfort, whereas underlighting where the installation brightness is too low results in the information, effect or message that it is intended to provide being unreadable.

The luminance of the lighting installation, in a nominated direction, is an indicator of this effect.

The tolerable levels of each of the lighting technical parameters will be influenced by the ambient lighting present in that environment.

The effects on road users (e.g. motorists, cyclists, pedestrians) normally involves:

- A reduction in the ability to see caused by disability glare from light sources;
- Spill light onto the road / network;
- Obscure or hinder the ready interpretation of any traffic sign, signal, railway signal or aid to navigation by water or air; and
- The loss of vision of objects in the critical field of view (e.g. vehicles, cyclists, pedestrians, signals ahead) when the digital installation forms a large percentage of the observable background.

Many illuminated advertisement installations are designed to operate during the day and night so their performance requirements will normally vary during a 24-hour period and will include:

- Daytime operation;
- Night-time operation; and
- Curfew operation which will require a reduced luminance or even switch off during defined hours.

The limiting luminance values recommended for the control of obtrusive effects mainly apply to night-time only and have been developed taking account of the following:

- The level of brightness or ambient lighting existing in the area;
- The times that the proposed installation lighting is to operate;
- The type of lighting technology available to light the activity; and
- The use of readily available and easily understood technical data on the lighting installations that can easily be verified at the design and assessment stages.

Limiting lighting levels for operation during daytime conditions is generally not considered under current guidance but is often included within planning conditions referencing such documents as the Institution of Lighting Professionals PLG05 Brightness of illuminated advertisement signs.

The lighting performance of media screens is expressed in terms of luminance and is dependent on the position of the observer, but independent of the surrounding conditions. Generally, the screen face is non-uniform and the luminance will vary across it depending upon the image / message being displayed. The luminance will also vary with direction of viewing, being a maximum for direct

frontal observation. The materials used for the facing of the displays is normally such that the luminance values remain near maximum over a reasonably wide range of viewing angles of 110 degrees horizontal and 79 degrees vertical.

The brightness of the sign is a comparative term and depends upon the background and hence the contrast between the illuminated advertisement and the background against which it is viewed. A sign with the same luminance performance may appear dull when viewed against a bright background (low contrast) yet be very bright when viewed against a dark (high contrast) background. The same can be considered when a bright mainly white advert is followed by one that is comparatively dark.

3 WHAT CONTROLS ARE IN PLACE?

OVERVIEW

Advertising is a familiar feature of our environment that can contribute to a vibrant and competitive economy. All advertisements affect the character and appearance of the building or place where they are displayed. Given the potential impact of outdoor advertising on amenity, both positive and negative, there is a need to balance the requirements of the industry with the protection and, where possible enhancement of the character and appearance of our cities, towns and villages. There is a corresponding need to ensure that advertisements will not prejudice public safety including the risk of collisions caused by driver distraction, and to educate all road users about the dangers of distraction.

Each Country within the UK has their own national planning policy framework / strategic planning policy statement. These only address advertisements in general terms.

PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

For example, within England these are advised under the *Town and Country Planning (Control of Advertisements) Regulations 2007*.

Within the UK they define a similar definition of classes of advertisements. In general, these do not consider a class for media screens or for advertisements located within or in the proximity of the highway / public realm. The only class where illumination requirements is really advised is under Class 4 illuminated advertisements on business premises which includes signage within retail parks. It is from these requirements that we must take guidance.

It should be noted that the performance requirements advised with the Regulations are for night-time application and do not advise on any day-time performance requirements, the night-time performance values are based upon a white display (white being the worst-case display) and are advised as:

Table 1: Luminance limits in England

Illuminated area	Maximum luminance cd/m ²
Not more than 10 m ²	600
More than 10m ²	300

Table 2; Luminance limits in Wales & Northern Ireland

Illuminated area	Maximum luminance cd/m ² ¹
Up to 0.5m ²	1,000
>0.5 m ² to 2 m ²	800
>2 m ² to 10 m ²	600
For any size greater than 10m ²	400

Note:

- ¹ The NI Regulations state performance in terms of luminance (cd/m²) but the required values stated in terms of intensity (cd). This is an error in the Regulations and the units advised should be in terms of luminance.

There are no defined limits advised for Scotland.

ILP 05: The Brightness of Illuminated Adverts

It should be noted that the above values take no account of the ambient lighting levels within the area and for this reason the Institution of Lighting Professionals (ILP) developed Professional Lighting Guide (PLG) 05, '*The brightness of illuminated advertisements*'. This guide picks the requirements for different environmental zones as well as media screen requirements in terms of changing / dynamic images.

To align to standard convention there are five different environmental zones described as follows:

Table 3: Environmental zones

Zone	Surrounding	Lighting environment	Examples
E0	Protected	Dark	Astronomical Observable dark skies, UNESCO starlight reserves, IDA dark sky places
E1	Natural	Dark	Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc.
E2	Rural	Low district brightness	Sparsely inhabited rural areas, village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Well inhabited rural and urban settlements, small town centres of suburban locations
E4	Urban	High district brightness	Town / City centres with high levels of night-time activity

Each zone can be established through a series of five pre-curfew illuminance measurements on site, four are taken vertically at a height of 1.5m above ground level each facing north, south, east and west and the fifth taken horizontally at ground level. The maximum measured value is taken as the indicator and then compared with the limiting values in table 3 below. For example, if the maximum measured value is 8 lux then the zone will be considered as E3.

Table 4 (ILP GN01/21); Maximum values of vertical illuminance on premises.

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E _v)	Pre-curfew	0	2 lx	5 lx	10 lx	25 lx

The limits assigned to these zones for illuminated signage including media screens are advised within Table 5 from PLG 05 duplicated below.

Table 5: Maximum permitted recommended luminance (cd/m²)

Illuminated area (m ²)	Zone 0	Zone 1	Zone 2	Zone 3	Zone 4
Up to 10	0	100	400	600	600
Over 10	0	0	200	300	300

During daytime the background ambient lighting level is higher and therefore the permitted maximum value of sign luminance can be increased as indicated in table 6 below.

Table 6; recommended maximum luminance of signs during daytime.

Daylight Illuminance (Eh) [lux]	Sign Luminance [cdm-2]
Up to 3,500 (twilight)	≤ 400
8,500 (overcast day)	≤ 1,000
15,000 (bright day with cloud cover)	< 2,000
25,000 (bright sunny day)	≤ 3,000
42,000 and above (direct sunlight)	≤ 5,000

As can be seen from the table the appropriate limit is very much dependent on the ambient conditions and as such will be variable depending on the time of day, time of year and weather.

The recommended maximum luminance of the screens ensures that the display contrast against the background is maintained and thus the brightness of the message being shown. This also ensures that whilst the displays remain legible, they do not have a negative impact on the local amenity or area safety.

The above recommendations may not apply to recognised display centres, such as Piccadilly Circus, which must be considered as special cases.

LIGHT NUISANCE

The UK Clean Neighbourhoods and Environment Act (CNEA) 2005, includes artificial light emitted from premises as to be prejudicial to health or a nuisance, it is therefore possible that media screens could be considered as a potential nuisance to adjacent residents or business by day and more importantly at night.

Nuisance could either be due to brightness or illuminance (light) levels on windows or be prejudicial to health due to disturbing effects relating to the images being displayed especially when these are animated or video in nature.

Conformance with the performance requirements will aid mitigation of any effects as will applying the right controls and consideration of a curfew performance level in certain circumstances. These can also perhaps be mitigated through design of the screen optics (e.g. to limit the angle of light spread) to further reduce or eliminate the display from local sensitive receptors such as homeowners.

The importance is that screens do not become a source of illumination to the surrounding area especially where residences and other premises are occupied at night. Screens should not provide an illuminance on the windows of such properties greater than that shown in the table 7 below; taken from the ILP's GN01 guide.

Table 7 (ILP GN01/21); Maximum values of vertical illuminance on premises.

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E _v)	Pre-curfew	n/a	2 lx	5 lx	10 lx	25 lx
	Post curfew	n/a	<0.1 lx	1 lx	2 lx	5 lx

Curfew times are not defined within the guidance and are for Local Authorities to agree on a case by case basis if required in the interests of amenity. For media owners it is generally considered to be between 00.00hrs and 05.00hrs.

CONTROL

Most illuminated advertisement installations are designed to operate during the day and night so their performance requirements will normally vary during a 24-hour period and will include:

- Daytime operation;
- Night-time operation; and
- Curfew operation which will require a reduced luminance or even switch off during defined hours.

At present local planning authorities often set maximum performance limits for luminance that do not take account of the difference between night and day or that set daylight limits that are not practical. Examples of such conditions are:

- The digital display advertisement hoarding hereby approved shall operate at an illumination level no greater than 300cd/m² at any time;
- The digital advertising display hereby approved shall operate at an illumination level no greater than 600cd/m² during the day and 300cd/m² at night.

Although commonplace, the daytime limit of 600cd/m² would not be appropriate for any conditions other than twilight or dusk as at this level the display would not be sufficient to display enough contrast to make it visible even on overcast days. The recommended day light performance levels should be broadly in line with table 6 of this guide.

It is understood that many operators opt to use a photocell to control the display according to rises or falls in ambient light, whilst others will simply use a timer to switch between daytime and night-time modes. A combination of the two is also common, whereby the photocell monitors the ambient lighting levels and controls the level of sign luminance by day, and at night a timer switches the display to night mode or switches the display off under a curfew.

RECOMMENDATIONS

It is recommended that the night-time limits set out in the Advertisement Regulations and ILP guidance is adhered to and controlled via planning condition. Lower levels can be agreed where environmental factors deem it necessary, such as the potential for light nuisance at residential properties. In such circumstances, the luminance level should be set to meet the guideline limits in ILP Guidance Note GN01.

To ensure that daytime levels are better controlled it would be more appropriate to condition the required use of photocells than to set a maximum level. It would be expected that a photocell with appropriate control gear would be employed to measure the ambient lighting and then falls or rises above a defined level to switch the display settings. This will ensure that the display is adjusted for overcast days. This would then be supported by a timer system to apply the night-time limit and any curfew performance settings.

For digital signs where the content may change or be animated then the rate of change between images should be limited to a maximum of once every ten seconds. It is noted that the industry standard has been set to ten seconds for alternative reasons relating to highways safety and as such almost all sites already operate within these parameters. The rate of change between images should not be instantaneous as that can cause a distraction where there is a contrast between the following advert. However, a slow merge between images has also been proven to increase eye dwell time and is undesirable. As such it is recommended that there is a rapid fade between the images on display. Moving images, animation, video or full motion images should not be displayed at locations where they could present a hazard or distraction to motorists or where they could be harmful to residential amenity. Model conditions are included at Appendix 1 which are based on a standard application for a large format digital LED Media display.

Finally, the light source chosen to illuminate the advertisements should be selected such that it provides the right level of colour reproduction for the displayed images. Light Emitting Diodes (LEDs) are the general choice of light source. These light sources provide a white light but are also supplied in a range of colour temperatures. The higher the colour temperature, the colder (bluer) it is, and the lower the colour temperature, the warmer (redder) it is, a colour temperature 6,500 Kelvin is good for the reproduction of a wide range of colours.

4 REPORT AUTHOR

This report has been developed by Allan Howard BEng(Hons) CEng FILP FSLL.

Allan holds the position of Group Technical Director (Lighting & Energy Solutions) within WSP and has 39 years' worth of experience in lighting in both the public and private sectors providing clients with technical advice and support to introduce innovation, develop their approach and policies regarding the application of light and lighting.

Through his involvement within professional bodies including the Institution of Lighting Professionals (ILP) and the International Commission of Illumination (CIE) Allan leads and contributes to research and investigations aimed at developing International and National light and lighting Standards and good practice. This enables him to be well placed to be aware and understand current and forthcoming developments in the lighting sector.

Allan is a Chartered Engineer as well as a Fellow of the Institution of Lighting Professionals (ILP), a Fellow of the Society of Light & Lighting (SLL) and a past President of the ILP (2011/12). He is active within the lighting industry, chairing and contributing to specialist panels producing national guidance reports on lighting issues (obtrusive lighting, good lighting practice, application of standards to name a few), as well as being a representative on the ILP National Technical Committee.

Allan is the Executive Secretary for the National Illumination Committee (CIE-UK) part of the International Commission of Illumination and Secretary to the UK Lighting Liaison Group.

He is a regular speaker at lighting conferences and contributes to lighting industry technical articles and the development of national / international good practice guidance. Allan has revised the ILP 'Guidance Notes for the Reduction of Obtrusive Light' (GN01) and is the UK representative on the CIE Technical Committee TC4-58 to consider obtrusive light from colourful and dynamic lighting installations (media screens) and its limitation'.

5 REFERENCES

Communities and Local Government, Outdoor advertisements and signs: a guide for advertisers

CIE 150; 2017 Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations;

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Strategic planning policy statement for Northern Ireland (SPPS), Planning for sustainable development Sept 2015

The planning (Control of Advertisements) Regulations (Northern Ireland) 2015

The town and country planning (Control of advertisements) (England) Regulations 2007

The town and country planning (Control of advertisements) (Scotland) Regulations 1984

The Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017

UK Clean Neighbourhoods and Environment Act (CNEA) 2005

6 GLOSSARY

Brightness; attribute of a visual perception according to which an area appears to emit, or reflect, more or less light.

Candela; SI base unit for photometry: luminous intensity, in a given direction Symbol: cd

Candela per square metre; SI unit of luminance, this unit was sometimes called the nit (symbol: nt) (name discouraged) Symbol: cd/m²

Colour temperature, expressed in 'Kelvin', is a measurement unit for the colour of light that is illuminating your subject. The higher the colour temperature, the bluer it is, and the lower the colour temperature, the redder it is.

Curfew; The time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by a government controlling authority, usually the local government.

Environmental Zones; a classification of the ambient brightness of the environment experienced at night-time on a scale of E0 (darkest) through to E4 (city center / brightest).

Light source, a device that produces light / serves as a source of illumination, the smallest physical component that can be removed from a containing product / luminaire without physically damaging the containing product / luminaire.

Luminous intensity (of a source, in a given direction) Unit: cd

Night-time, the time between evening and morning; the time of darkness, in light terms the time between when task lighting needs to switch on or off due to the change in ambient lighting levels to provide the required level of task lighting.

Obtrusive light; light which, because of the quantitative, directional or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information, this can include but not be limited to spill light, source intensity, disability and discomfort glare, flicker as well as sky glow.

Observer, an observer is a person who may be the intended audience for the media screen installation or may be someone to whom the media screen is a source of obtrusive light. Observers may be located within premises, be pedestrians, cyclists, drivers and passengers of motor vehicles, trains, trams, buses and so forth.

APPENDIX 1 MODEL CONDITIONS

The following are offered as 'Particulars of decision' model conditions in relation to the illumination of media screens greater than 10m² and should be in addition to the five standard conditions applied to all advertisement consents and any other special conditions considered necessary in the interests of amenity and public safety:

1. The intensity of the illumination of the sign permitted by this consent shall be no greater than [*value to be determined from table 5 - environmental zone to be agreed with the planning department*] in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions [*value to be determined from table 6 - environmental zone to be agreed with the planning department*]. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide)

Reason: In the interests of amenity and in order to retain effective planning control.

2. The minimum display time for each advertisement shall be no less than [10] seconds;

Reason: In the interests of amenity and public safety in order to retain effective planning control.

3. Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects;

Reason: In the interests of amenity and public safety in order to retain effective planning control.

4. No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.

Reason: In the interests of amenity and public safety in order to retain effective planning control.

5. The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.

Reason: In the interests of amenity and public safety in order to retain effective planning control.



Unit 9, The Chase
John Tate Road, Foxholes Business Park
Hertford
SG13 7NN

wsp.com

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