



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24 Hydref 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15/11/2022

Appeal Decision

Site visit made on 24 October 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 15/11/2022

Appeal Ref: CAS-02070-P0R9K6

Site address: Land at Anise, 1 Smithfield Road, Wrexham, LL13 8EN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent for the display of an advertisement.
- The appeal is made by Alight Media Ltd against the decision of Wrexham County Borough Council.
- The advertisement proposed is the erection and display of a freestanding 48-sheet sized digital LED advertising unit.

Decision

1. The appeal is allowed, and express consent is granted for the erection and display of a freestanding 48-sheet sized digital LED advertising unit on land at Anise, 1 Smithfield Road, Wrexham, LL13 8EN in accordance with the terms of the application, ref: WRC P/2022/0234, dated 7 March 2022. 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) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.

Reason: In the interests of amenity and public safety.
 - 2) The maximum level of illumination should not exceed 600cd/m² during daylight hours or exceed 300cd/m² during twilight and night hours (dusk until dawn), in accordance

with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 2015 recommendations for maximum luminance (cd/m²).

Reason: In the interests of amenity and public safety.

- 3) The approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.

Reason: In the interests of public safety.

- 4) No individual advertisement on the LED screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.

Reason: In the interests of public safety.

- 5) There shall be a smooth uninterrupted transition from one image to another. Transitions shall be instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

Reason: In the interests of public safety.

Procedural Matter

2. The parties have used variations of a site address, but I have used that provided on the appeal form which is an accurate reflection of the site's location.

Main Issue

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

Reasons

4. The appeal site is located on the edge of a roundabout at the southern approach to the Eagles Meadow shopping centre and adjoining retail area. The advertisement unit would be located near the edge of the footway, forward of a short hedge near the access to a restaurant car park.
5. The Council accepts that the appeal site is in a commercial area. Although there are houses nearby, they are part of a wider mixed-use area which also includes small commercial units. Whilst the display unit would be a large feature, there would be little direct view of it from residences. The unit would be separated from nearest houses by the adjoining restaurant and roundabout. The intended siting is in an active and well-lit commercial situation.
6. The proposal would occupy a conspicuous position and would be highly visible within the streetscene viewed from the south. However, it would be seen in the context of the wide and open transport corridor as well as the substantially larger scaled buildings, displaying generally larger scale advertising, behind it and on the opposite side of the road. Although mature conifers are present, they only screen part of the bingo hall in this view. That building's large flank is a notable and prominent feature in the streetscene. The unit would be set against this flank, and alongside these large trees, and so would not appear dominant. Whilst a recently consented digital display is present nearby, advertisements in the immediate locality of the appeal site are largely static. Nevertheless, the scale of the unit would be compatible with these existing advertisements, particularly in the view from the east. The proposed display would change no more often than every ten seconds and would contain no moving images thereby avoiding visual clutter. Consequently, it would not appear as an intrusive element in its commercial context.

7. I conclude that the proposal would not harm visual amenity interests. In reaching this conclusion, I have taken into account the proposal's alignment with Wrexham Unitary Development Plan (UDP) Policy GDP1 which seeks to ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality, and UDP Policy PS2 which states that development must not materially detrimentally affect, amongst other things, townscape character. I have also had regard, as a material consideration, to the advice in the Council's Local Planning Guidance Note No.1 'Advertisements'.

Other Matter

8. The Community Council has raised concerns about the proposal's added distraction to motorists on a busy roundabout. However, the display screen would only be directly visible to motorists approaching from the south, with only an oblique view from the east, on a large roundabout where there is good forward visibility. Moreover, the Council's Highway Authority do not object to the development, subject to a condition controlling the unit's illumination and display. In these circumstances and given the scope to impose conditions to control the display and its illumination to prevent dazzling effects, the proposal would not cause distraction to highway users and would not therefore harm public safety.

Conditions

9. The parties have suggested conditions which I have considered against the advice in Welsh Government Circular 16/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). I consider the conditions in relation to luminance and the change of display to be necessary in the interests of visual amenity and public safety. Given these conditions, a further condition relating to glare or dazzle is not necessary. In the interest of public safety, I have included a condition that requires a blank screen to be displayed in the event of any malfunction. I have not included the condition relating to removal of other signs as it is not directly related to the proposal. Similarly, a condition requiring compliance with plans is not necessary as the decision grants express consent and is not a planning permission.

Conclusion

10. For the reasons given above, the appeal is allowed.
11. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

Nia Jones

Inspector