

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/07/21

gan **C MacFarlane, BSc (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 3/8/21

Appeal Decision

Site visit made on 12/07/21

by **C MacFarlane, BSc (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 3/8/21

Appeal Ref: APP/H6955/H/21/3275061

Site address: Unit 1 Counterpoint, Regent Street, Wrexham, LL11 1PF

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.
- The appeal is made by Mr Graeme Hughes (Alight Media Ltd.) against the decision of Wrexham County Borough Council.
- The application Ref: WRO P/2021/0212 dated 2 March 2021, was refused by notice dated 30 April 2021.
- The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 3.4m high x 6.4m wide, and comprising pressed metal frame and sealed LED screen.

Decision

1. The appeal is allowed, and express consent is granted for the display of a 1 x 48 sheet freestanding digital advertising display unit, measuring 3.4m high x 6.4m wide, and comprising pressed metal frame and sealed LED screen 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) 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).
 - 2) The luminance level of the display should be controlled by ambient environmental control, which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
 - 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.
 - 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.

- 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.

Main Issue

2. The main issue is the effect of the proposal on visual amenity.

Reasons

3. The appeal site consists of two modern commercial buildings and associated car parking area, with the proposal being situated close to its northern boundary. The surrounding area is a mix of commercial, retail and residential uses, with buildings of varied age, scale and appearance. There are several advertisements and signs of differing scale and type in the area which are related to the nearby retail and commercial units. A freestanding digital advertisement and totem display unit are sited close to the southern boundary of the site. The site is located close to the Grosvenor Road Conservation Area (CA) and is separated from the Grade II listed railway station building by the A541 highway.
4. The listed building is set below road level and at an oblique angle to the highway, with a car park and access road to its frontage. This, together with the intervening busy highway, provides a considerable degree of separation from the appeal site and substantially limits the prominence of the building within the street scene. The proposal would also be viewed within the context of the numerous and varied existing buildings within the surrounds of the listed building. I therefore consider that the proposal would not result in material change to the listed building's setting that would constitute harm, and I note that this conclusion is reflected in the comments from Cadw.
5. Whilst not referred to within the Council's decision notice, the Delegated Report raises concerns regarding the effect of the proposal on the CA, particularly the nearby Edwardian Terrace. Although the proposal would be located on a key route forming an entranceway to the CA, it would be largely screened from views into the CA, and towards the terrace, due to existing vegetation to the north of the site. Any views would therefore be partial and of the blank rear elevation of the sign, which would lessen the prominence of the proposal. Whether considering views from within or towards the CA, the proposal would be seen in the context of the modern commercial units within the site and existing large signs to the south. As a result, the proposal would not detract from the CA, or its setting, and would therefore preserve its character or appearance.
6. Due to the commercial nature of the site and the mixed-use character of the wider area, the proposal would not appear incongruous in its surroundings. Given the prevalence of other signs and adverts in the wider area, and the limited number of large signs of comparable scale, nor would it substantively alter the current situation. Along with the separation distances from the free-standing signs to the south, the proposal would not, therefore, result in harm due to visual clutter. In conclusion, the proposal would not be harmful to visual amenity, would preserve the setting of the listed building and would also preserve the character or appearance of the CA and its setting.
7. In refusing the application, the Council has referred to Policies EC9, PS2 and GDP1 of the Wrexham Unitary Development Plan and I have taken these into account as material considerations. However, the 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 UDP policies have therefore not been decisive in determining this appeal.

Other Matters

8. Although highway safety concerns have been raised by Offa Community Council, the Council's Highways section has not objected to the proposal, subject to the inclusion of a condition restricting the manner of illumination, to prevent disabling glare or dazzle to traffic. I am satisfied that these issues can be addressed through the use of additional conditions, which I have imposed. As such, I find no reason to conclude that the proposal would result in harm to highway safety.
9. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Conditions

10. The appellant has suggested a series of conditions to control the display of images and illumination, which I have considered against the advice in Welsh Government Circular 16/2014. In the interests of visual amenity and highway safety, I consider the additional conditions to be necessary and have imposed them accordingly.

Conclusion

11. For the reasons given above, the appeal is allowed.

Claire MacFarlane

INSPECTOR