

ALIGHT MEDIA LTD

STATEMENT OF CASE FOR APPEAL

Appeal under Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992 (and 2017 Amendments)

LPA: WREXHAM COUNTY BOROUGH COUNCIL

LPA REF: P/2021/0212

Re: Land Adjoining Unit 1, Counterpoint, Regent Street, Wrexham LL11 1PF

Proposal: 1 x 48 sheet freestanding digital advertising display unit

This Statement of Case has been prepared in support of an Appeal against Wrexham County Borough Council's refusal of advertising consent application (P/2021/0212) by Alight Media Ltd ('the Appellant') for the "*installation of 1 x 48 sheet freestanding digital advertising display unit*", on the site of Counterpoint, Regent Street, Wrexham LL11 1PF ('the Appeal Site').

The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) Regulations 1992 (and 2017 Amendments) which state that advertising should be controlled in the interest of visual amenity and public safety, taking into account any material factors.

Planning Policy Wales (PPW) is the National Planning Policy for Wales. Technical Advice Notes (TANs) supplement PPW and give greater clarification. TAN 7 'Outdoor Advertisement Control' provides advice on how Local Authorities should assess advertisement applications. The Guidance recognises ... "*the importance of advertisements to the national economy and should not stifle original designs or new display techniques*" (Paragraph 4) and confirms that outdoor advertisements can only be controlled in the interests of 'visual amenity' and 'public safety' (Paragraph 6).

As public safety was not part of the reason for refusal, the determining issue within the Appeal relates only to visual amenity, which will be considered below.

The LPA cite in their reason for the refusal that "*The development will have a **detrimental impact upon the setting of the adjoining listed building at Wrexham General Station and the visual amenity of the area, creating clutter of illuminated signs at this location***". These two elements of the reason for refusal will be assessed against the determining issue of visual amenity.

1) VISUAL AMENITY

The presence of an existing 48 sheet digital advertising display at the Appeal location has already established the suitability of the setting for a landmark advertising site. The existing digital display was granted express consent at appeal on 08/12/2021 (**Appeal Ref. No. 20/3261337**), after the application proposal was originally refused by the LPA on the grounds of visual amenity. Copies of the Appeal Decision and Refusal Decision have been submitted with this appeal as support documents **APPENDIX I** and **APPENDIX J** respectively.

The immediate environment of the Appeal site is largely influenced by the transport corridor, the traffic volumes throughout the day and the predominantly commercial nature of the land use. The Appeal proposal therefore reflects national policy guidance, insofar as it is in a commercial area of large open scale. The street scene is typical of a commercial area where roads pass through a built up area with development, activity, and signage on all sides. It is considered that the Appeal site is the type of area where large roadside advertisements might be acceptable.

The description of the Appeal site was confirmed by the Planning Inspector in the Appeal Decision report dated 08/12/2020, when he stated that ***“The appeal site is located on a strip of land on the southern boundary of a forecourt area fronting a number of commercial premises; the properties are contemporary in appearance. The proposed signage would sit adjacent to a group of trees and some other low-level planting. The general area accommodates a variety of retail, commercial and residential uses. The site lies adjacent to, but outside, of the adopted Conservation Area. Within the general locality outside of the Conservation Area, there is a significant amount of modern commercial properties with various associated signage”***.

The Inspector continued his report by concluding that ***“the signage would be seen against a backdrop of predominately modern commercial properties and signage of various types/sizes. In scale/design terms the proposed signage whether either entering or leaving the Conservation Area would be chiefly seen in the context of adjacent and nearby contemporary buildings/signage and broadly reflects that contemporary scale/appearance. I note the Council raise no specific objection to the level of illumination. I conclude that the display of the proposed signage would not be detrimental to the interests of visual amenity, with particular regard to the Conservation Area, and I conclude that the appeal is allowed”***.

The Appeal proposal would be sited approximately 75 metres north of the existing display on the same host property. The consented digital advertising display unit is now in situ and fully operational, as can be seen from the site photo which has been submitted as support document **APPENDIX H**.

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

The development of digital advertising sites across the UK has been carried out over recent years in compliance with the policy guidelines and the core principles, which require advertising proposals to be of a good design, appropriate to their context, and assessed under the criteria of not being detrimental to visual amenity and public safety. It is considered that the location of the Appeal proposal would make an appropriate setting for a modern, well designed display unit that would relate to the character of the surrounding area.

Paragraph A4 of TAN 7 ‘*Outdoor Advertisement Control*’ outlines various requirements to consider when deciding advertising applications. These relate to respecting the scale of surrounding buildings and locations, and having regard to *“the symmetry or architectural features of their location”*.

The reason for refusal refers specifically to ***the impact on the adjoining listed building at Wrexham General Station***, and does not raise any concerns regarding any potential impact

on the visual amenity of the wider area which is predominantly commercial in character, and it is in this context that the proposed digital advertising display would be viewed.

i) The impact on the adjoining listed building at Wrexham General Station

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

The Appeal location is highly sustainable with the principle shopping street of Wrexham town centre located 200m away, and which provides a wide variety of local services and facilities. Wrexham General Railway Station and the Royal Mail sorting office are located directly opposite the site, and both Wrexham Football Club and Glyndwr University are within walking distance of the site.

The closest residential properties to the Appeal site are located over 150 metres to the south east, and the amenity of these occupiers will not be detrimentally impacted by the Appeal proposal.

The Appeal site is bounded by Regent Street to the east, railway lines to the North West and the Wrexham Central Retail Park to the West, and is located outside the boundary of the Grosvenor Road Conservation Area. The only heritage asset in proximity to the Appeal site is the Grade II listed Wrexham General railway station building, which is located on the east side of Regent Street, however, the approved commercial development at Counterpoint was considered by the Council in 2013 to have minimal impact on this listed building.

The entrance to the Wrexham General Station is approached by a one way flow of traffic heading north from the Wrexham Central Retail Park. A selection of site photos has been submitted as support documents **APPENDIX A**, **APPENDIX B** and **APPENDIX C**. The site photo in **APPENDIX A** shows how traffic exits Central Road, which bends round to the north as it merges with Regent Street. At this point the location of the Appeal proposal is sited approximately 100 metres to the north and is barely visible to traffic. The rear of the existing display unit is screened by the large illuminated totem sign relating to the Retail Park and the row of tall evergreen trees.

At the same point the “*adjoining listed building*” of Wrexham General Station is not visible to traffic because it is located approximately 150 metres to the north, and is positioned below road level. The Appeal site and the site of the station building are also separated by the wide carriageway of Regent Street. The site photo shows that only the boundary fencing and associated railway station signage are visible to drivers and are viewed in the context of the Appeal site. In the longer background the railway station property is viewed against the backdrop of the modern tower blocks of the ‘Wrexham Village’ student accommodation development located in Crispin Lane.

As traffic moves closer to the entrance of the Wrexham General Station, the site photo in **APPENDIX B** shows that drivers heading north have the options of turning left into the

Counterpoint Retail Park or turning right into the entrance of the railway station car park. At this point the station building is located approximately 125 metres to the north, and is still not seen in the context of the Appeal proposal, which would now come into the view of northbound traffic.

Site photo **APPENDIX C** further illustrates how the Appeal proposal is not viewed in the context of the listed building of Wrexham General Station, and so has no detrimental impact on the setting of this heritage asset.

Site photo **APPENDIX D** shows that it is not until traffic has passed the Appeal site that the station building comes into view approximately 50 metres in the distance. However, it is still below ground level, and therefore any views of the station building to passing traffic are oblique and incidental.

It is considered that these site photos clearly illustrate that the Appeal proposal and the listed building of Wrexham General Station would not be viewed at the same time due to the degree of separation between the two locations, and the setting of the station building below ground level. It is therefore concluded that the Appeal proposal will ***not*** have a detrimental impact upon the setting of the “*adjoining listed building*” at Wrexham General Station.

ii) Creating clutter of illuminated signs at this location

The reason for refusal did not raise any concerns regarding the design, scale and layout of the proposed advertisement display, and by implication this suggests that the LPA considers the Appeal proposal to be appropriate for this commercial location, and therefore in compliance with policy GDP1(a) of the Wrexham Unitary Development Plan (UDP).

It is considered that the modular design of the slim and elegant display unit would complement and be viewed in the context of the modern commercial units in the immediate area. This will therefore comply with the requirements of policy PS2 of the UDP which states that the proposed development must not detrimentally affect the townscape character.

The LPA cite in their reason for refusal that the proposed development would “***create clutter of illuminated signs at this location***”. However, it was made clear in the planning statement that the Appeal proposal would not be viewed at the same time as the existing unit, as they face opposite directions, and they would therefore be viewed by traffic travelling in opposite directions on A541 Regent Street. The degree of separation between the two display units would avoid an appearance of clutter. It is therefore considered that the proposed advertisement display would not create a clutter of signs, and would not adversely affect the visual amenity of the area.

Site photos have been submitted as support documents **APPENDIX E**, **APPENDIX F** and **APPENDIX G** to show how the views of the Appeal proposal would be viewed by traffic exiting Central Road and the Retail Park. **APPENDIX E** and **APPENDIX F** illustrate how the rear of the existing display unit is screened by the large illuminated totem sign relating to the Retail Park and the row of tall evergreen trees. Any views of the Appeal proposal would be hidden by this backdrop until traffic bends round to the left into Regent Street, and at this point the existing display unit would then be positioned ‘*over the shoulder of drivers*’. **APPENDIX G** is presented as a photomontage to clearly show how the proposed advertising display unit would be viewed by northbound traffic as a solus feature in the streetscene, and will not create a clutter of signs.

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

The proposed display unit would be located at a 45 degrees angle to the frontages of the commercial units. Although the digital display unit is large, it is considered that its simple rectangular form presented with horizontal emphasis would respond well to the form and size of the commercial units which have a horizontal emphasis. The adjacent section of the main radial route reflects a strong commercial character.

Given the size, height and location of the digital display unit, it is considered that the Appeal proposal would ***not*** constitute a prominent feature in the street scene, and would not have a detrimental impact upon the visual amenity of the area, or create a clutter of illuminated signs at this location.

Landmark advertising sites can help to stimulate the local economy, as well as adding interest to the street scene, bringing colour to drab areas, making areas safer at night through better illumination, and screening eyesores

The proposed development would not only introduce an innovative method of displaying advertisements and provide a positive contribution to the street scene, it would also provide other benefits to the Council in its attempts to market and promote the businesses and activities in the town centre and surrounding area. In the last two months since the existing digital display unit became fully operational on site, there has been a tremendous and positive response from local businesses and community organisations, who have been able to access the digital screen to display messages to promote their services and activities.

Local and national policies acknowledge that businesses within commercial areas will need to announce their presence to customers and suppliers, and that well-designed signage can add to the vibrancy and visual appeal of modern urban settings.

The last decade has seen a shift from traditional billboards to high quality, stand-alone digital displays. This is seen as a positive response by the outdoor media industry to the Ministerial guidance which states that, “*development means growth and we must respond to the changes that new technologies offer us. Advanced, high quality communications infrastructure is essential for sustainable economic growth*”.

Local and National Government has a 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). The Appellant considers that the assessment of the Appeal proposal should take into account the sustainable development principle and the well-being objectives of the Welsh Ministers which are set out in the WBFG Act.

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

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

Local and national policies recognise that outdoor advertising is an important part of commercial activity, in particular for retailing, which relies on external advertisements or signage to communicate information to sell goods or services. Advertising is a prominent feature in modern society and contributes to the attractiveness of the urban street scene by introducing colour, variety, and interest.

At the same time, it is acknowledged that the Council has to balance need for sustainable development against the visual aspects of maintaining an attractive environment. It has been accepted that digital displays can enhance iconic town and city locations by providing features that are impactful, distinctive, innovative and modern, in addition to making a positive contribution to the street scene.

The Appeal proposal would reinforce this gateway point on a main arterial route to and from the commercial core of the town centre, and as stated in the planning guidance in Paragraph A7 of TAN 7, this is a typical commercial area where *"poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings"*.

The Appeal proposal is submitted in the context of national and local policies which support high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. It is considered that the needs for sustainable development in this area outweigh any minimal impact on the visual amenity of the surrounding area.

2) PUBLIC SAFETY

Public safety was not part of the reason for refusal, and therefore the determining issue within the Appeal relates only to visual amenity, which has been set out in detail in this statement.

CONCLUSION

In summary, it is considered that, subject to the recommended conditions, the proposal for advertisement consent is supported by local and national planning policies, and the Appeal should be allowed.

14th May 2021