
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 09/11/20

**gan Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/12/20

Appeal Decision

Site visit made on 09/11/20

**by Declan K Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 08/12/20

Appeal Ref: APP/H6955/H/20/3261337

Site address: Unit 2 and 3 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 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Graeme Hughes of Alight Media Ltd against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2020/0488, dated 21 August 2020, was refused by notice dated 5 October 2020.
 - The advertisement proposed is for the installation of 1 x 48 sheet freestanding digital advertising display unit.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations.

Procedural Matter

2. The description of the proposed development differs slightly on the submitted application form to that stated on the Council's refusal notice. The description as given on the Council's refusal notice, as copied into the banner heading above, is more concise and it is on this basis that I have determined the appeal.

Main Issue

3. This is the effect of the sign on the visual amenity of the area with particular regard to its location adjacent to the Wrexham Conservation Area (CA).

Reasons

4. 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 CA. Within the general locality outside of the CA there is a significant amount of modern commercial properties with various associated signage.
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5. The Act¹ requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Planning Policy Wales Edition 10 states, there will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level; it also states preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance, or leaves them unharmed.
6. The Council's refusal reason refers to the proposed advertisement being detrimental to CA and cites the relevant policies contained within the adopted Wrexham Unitary Development Plan (UDP). The officer's report states the signage by virtue of its scale/design would fail to preserve the character and appearance of the CA, and that the proposed signage would be seen directly in the context of an Edwardian Terrace along Regent Street which has been identified as an important townscape group within the adopted Grosvenor Road Conservation Area Character Assessment and Management Plan (CACAMP), with the terrace forming the entranceway to the CA, which has also been identified as an important approach within the document.
7. The appeal site itself is located next to a modern commercial enterprise, with a number of other modern developments in the general vicinity. Whilst I appreciate that the site is near the CA and the Edwardian terrace, nonetheless, the proposed signage in terms of views into the CA would be seen against a backdrop of trees which during my site visit afforded a significant degree of screening of the terrace and the CA; the signage would also be separated from the terrace and the CA by a busy road junction. An existing sign which is located directly behind the proposal next to a seating area, closer to the Edwardian Terrace, but outside of the CA, due to its significant height and width, would augment any screening effects given by the trees.
8. On leaving the CA 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 CA 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.
9. Bearing in mind the above, I consider the proposed signage would not damage the character and appearance of the CA or its setting, with particular regard to the nearby Edwardian terrace, or its proximity to an important approach road leading into the CA. The proposal would leave the CA unharmed and as a result would preserve the CA. The proposal would therefore not be detrimental to the CA, nor to the visual amenity of the general area, or run contrary to the Act.
10. In reaching this conclusion I have taken into account planning policies EC7, PS2 and GDP1 (a) of the adopted Wrexham Unitary Development Plan which seek to safeguard heritage assets and general amenity, and the CACAMP. The Regulations require in this instance that the decision is made only in the interests of amenity, taking account of any material factors. Consequently, although I have taken into account the Council's planning policy/CACAMP, these have not been a decisive consideration in reaching my decision.

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990

Other Matters

11. Offa Community Council cite highway safety concerns due to the signage being a distraction to motorists. In this regard I note the Council received no objections on highway grounds from its highway section, who recommended a condition that the sign should not be illuminated in such a manner that it presents any disabling glare or dazzle to traffic users; I consider this can be achieved via one of the standard conditions in the Regs which require that no advertisement shall be sited or displayed, inter alia, 'to render hazardous the use of any highway'. Bearing in mind the above, and based on the evidence available, I do not consider the proposed signage would pose a highway danger.
12. The Council officer's planning report refers to an appeal decision for the dismissal of an advertisement in the wider area. It is maintained the dismissed sign is comparable to that being proposed, however, despite some similarities, that site is set within a different context/character to the current proposal, which along with other issues affects the degree of prominence, and therefore I do not consider it is directly comparable. In any event each appeal is considered on its own merits.
13. The Council has not suggested the imposition of any other conditions; other than the standard conditions, I consider no others are necessary.

Conclusions

14. For the reasons given above and having regard to all the matters raised, I conclude that the display of the proposed signage would not be detrimental to the interests of visual amenity, with particular regard to the CA. I conclude the appeal is allowed.
15. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

INSPECTOR