

CERTIFICATE OF DECISION

TOWN & COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

In pursuance of their powers under the above Regulations, the County Council as Local Planning Authority hereby

GRANT EXPRESS CONSENT FOR:

PROPOSAL: Removal of existing advertisement hoarding and erection of digital advertising hoarding

LOCATION: 8 Kinmel Street Rhyl

PLANS AND DOCUMENTS, SUBJECT TO THE DECISION:-

- (i) Location Plan (Drawing No. LL 101 A4 01) - Received 5 December 2018
- (ii) Site Plan (Drawing No. LL 101 A4 02) - Received 5 December 2018
- (iii) Existing Elevations (Drawing No. LL 101 A4 03) - Received 5 December 2018
- (iv) Proposed Elevations (Drawing No. LL 101 A4 04) - Received 5 December 2018
- (v) Google Street View June 2009 (Drawing No. LL 101 A4 05) - Received 5 December 2018
- (vi) Google Street View 2016 (Drawing No. LL 101 A4 06) - Received 5 December 2018
- (vii) Digital Advertisement Unit Specs (Drawing No. LL 101 A4 07) - Received 5 December 2018
- (viii) Existing and Proposed Elevations (Drawing No. LL 101 A4 08) - Received 5 December 2018
- (ix) Heritage Impact Assessment - Received 30 November 2018
- (x) Planning Statement - Received 30 November 2018

subject to compliance with the standard condition(s) specified in Part 1 of the first schedule of the aforesaid regulations, and the following conditions:-

The Condition(s) is(are):

1. The maximum level of illumination should be no more than 300 c/m² during hours of darkness (dusk until dawn), in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 2015 recommendations for maximum luminance (cd/m²).

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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 digital 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 of not less than one second between static images, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

The reason(s) for the conditions(s) is(are):

1. In the interest of visual amenity and highway safety.
2. In the interest of visual amenity and highway safety.
3. In the interest of visual amenity and highway safety.
4. In the interest of visual amenity and highway safety.
5. In the interest of visual amenity and highway safety.

SPECIAL NOTES TO APPLICANT

Please note express consent is granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 (advertisement regulations) and the permission granted is subject to a time limit of 5 years from the date of the grant of this permission. Please also note the standard conditions that apply.

1. Any advertisements displayed, and any site 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 structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

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NOTES TO APPLICANT

1. APPEALS AGAINST REFUSAL OF ADVERTISEMENT CONSENT, IMPOSED CONDITIONS OR A DISCONTINUANCE NOTICE

1.1 You have a right to appeal against the Local Authority's decision to:

- i. refuse consent for an advertisement;
- ii. grant consent for an advertisement, subject to a condition with which you are dissatisfied; or
- iii. serve a "discontinuance notice" requiring you to remove an advertisement to stop using the advertisement site. The appeal is made to the Planning Inspectorate, and the appeal procedure is very similar to the procedure for a planning appeal to the Planning Inspectorate. All advertisement appeals have to be served on the Planning Inspectorate within eight weeks of the date of the decision of the Local Planning Authority against which you are appealing.

2. THE CHOICE OF ADVERTISEMENT APPEAL PROCEDURES

2.1 There is a choice of three appeal procedures and the Planning Inspectorate will co-ordinate with you, or your agent, in enabling your appeal to be processed in the way you would prefer. But there may be a few occasions when the Planning Inspectorate has to use a procedure which is not your own preference, in order to ensure that all aspects of the appeal are thoroughly and fairly considered. When this happens, the Planning Inspectorate will explain why.

2.2 the available appeal procedures are:

- i. by written representations which you and the Local Planning Authority make, followed by an accompanied or unaccompanied site inspection of the appeal site;
- ii. by written representations which you and the Local Planning Authority make, followed by consideration of photographs of the appeal site, provided you and the Planning Authority agree to this arrangement;
- iii. by a hearing of the parties' oral representations and an accompanied site inspection of the appeal site, which are then reported to the National Assembly.

The procedures described in i. and ii. are likely to enable you to receive the quickest possible decision on your appeal as the procedures for exchanging written representations are tightly time tabled. Written representations or Hearings are not suitable for cases which have generated substantial third party representations, or which involve cases where it is desirable to cross-examine evidence.

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The procedure described in iii. is usually the slowest and most expensive method of appealing and you should only opt for this procedure if you have good reason to ask for a local hearing of your appeal. Normally, local inquiries are confined to those cases that require advocacy.

- 2.3 Should the appellant wish the Planning Inspectorate to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, the request should be made to the Planning Inspectorate when notice of the appeal is forwarded.

THE ADDRESS FOR APPEALS AND APPEAL FORMS

- 2.4 All appeals have to be submitted to the Planning Inspectorate within the relevant period of the date of the Local Planning Authority's decision against which you are appealing. The best way to appeal is to complete the Planning Inspectorates official appeal form which may be obtained from:

THE PLANNING INSPECTORATE, CROWN BUILDINGS, CATHAYS PARK, CARDIFF, CF10 3NQ.

- 2.5 The telephone number is 0303 444 5940, if you need more information or advice from the Planning Inspectorate.

3. COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

- 3.1 You are reminded that any advertisement consent must be carried out strictly in accordance with the approved plans, and any conditions attached to the certificate of decision. If any amendments are proposed to the plans, you should not proceed without obtaining the written approval of the Local Planning Authority. Any proposed amendments must be notified to the Head of Planning Services in writing with detailed plans suitably revised to illustrate the changes proposed. The Head of Planning Services will advise in writing whether the amendments can be accepted within the terms of the consent granted, or whether a fresh application is required. You are reminded in accordance with other Notes that it will also be necessary for you to ensure that amendments are acceptable to other County Council Departments and statutory bodies where separate legislation applies.

- 3.2 Responsibility for the accuracy of the detailed plans and drawings forming part of the submission rests with the applicant, agent or developer.

- 3.3 Applications for compliance with conditions: If this Decision Certificate includes conditions requiring the further approval of the planning authority, you should submit the information required for consideration by way of an application form stating the reference number of the consent and the condition in question, and with a suitable description of the proposed details, and plans or drawings to a recognised metric scale. The Planning Authority has eight weeks to determine such an application.

- 3.4 Proceeding without consent: Any advertisement displayed prior to the grant of the relevant consent, without compliance with the plans and particulars forming part of this consent, or without compliance with the conditions of this consent, is entirely at the owner/developer's own risk, and may oblige the Planning Authority to take Legal Action.

4. REQUIREMENT FOR SEPARATE CONSENTS

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- 4.1 It is important to appreciate that this decision certificate relates solely to an application submitted in accordance with the Acts' Regulations specified on the first sheet of this document. The Certificate does not convey any approval which may be required under separate legislation or from other statutory bodies, and does not override any private legal restrictions which may prevent the implementation of the proposal. (e.g.. development of land in third party ownership). The onus rests on the applicant, agent or developer to ensure all relevant consents are obtained BEFORE the commencement of any development.
- 4.2 The erection of advertisement signs may in some instances give rise to important issues affecting the provision of gas, electricity, water and/or telephone services for an occupier and his/her neighbours. In certain circumstances interference may contravene legislation and you are advised that if it is possible that the provision of any service to the premises may be affected by a proposed sign you should notify the appropriate authority prior to commencing the works.
5. STANDARD CONDITIONS ON CONSENT
- 5.1 In accordance with Regulation 13 of the Town and Country Planning (Control of Advertisements) Regulations 1992, the express consent hereby granted expires at the end of a period of 5 years from the date of the consent unless a longer or shorter period is specified. on the decision notice.
- 5.2 It is important that you are also aware that any advertisement displayed must comply with the Standard Conditions specified in Schedule 1 of the above mentioned Regulations, which are:
- i. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
 - ii. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
 - iii. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
 - iv. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - v. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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