

APPENDIX A

Email Correspondence with Wrexham Planning Officer – Simon Greenland

Simon Greenland <simon.greenland@wrexham.gov.uk>

To: Christopher Welbourne

Thu, 13 Feb at 11:51

Hello Christopher,

The points are noted and will be assessed by the Inspector in dealing with the appeal.

I am not aware that there is a requirement on Local Planning Authorities to avoid determination of an application after receipt of consultation responses and in advance of the statutory period for a decision. You did not give a source for the quotes from Government Guidance in your previous email, but it may be that they are taken from the National Planning Policy Framework, which does not apply in Wales.

Kind regards

Simon Greenland

Swyddog Gorfodi a Cynllunio/Planning and Enforcement Officer

Cynllunio a Rheoleiddio/Planning and Regulatory

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Christopher Welbourne <c.welbourne@yahoo.co.uk>

To: Simon Greenland

Cc: Paul Hardy

Wed, 12 Feb at 18:43

Hi Simon

Thank you for your email dated 7/02/20 and for providing me with a copy of the Delegated Report.

As stated previously my client was disappointed by the Refusal Decision, and having discussed the Delegated Report with him, we have acknowledged that you raised no

objections to the proposal on highway grounds, and your concerns relating to visual amenity seem to focus on the setting of the two Grade II Listed buildings.

I would therefore like to make the following comments about the concerns you have expressed on the details of this application proposal:-

1) Impact on Listed Buildings

Although you seem to be of the opinion that we failed to make an appropriate assessment of the impact on the listed buildings, I can confirm that we did take this into account when submitting our application proposals.

It is accepted by both parties that the application site is not located within a conservation area or an area of special advertisement control, however, we did state in our planning statement that ***“there are no heritage assets located in proximity to the application site, which could be detrimentally effected by the proposed display”***. We had noted the presence of the two listed buildings, to which you refer in your Delegated Report, however, having assessed the setting of these buildings in the surrounding area, it was considered that both buildings were located at a considerable distance from the application site. The proposed display would not be viewed directly from these premises, and therefore there would be no significant detriment to the amenities enjoyed by the occupiers of these properties.

More importantly, the two listed buildings are not viewed as a backdrop to the application site, as would be the case if either of the buildings were located in a position such as the premises of the United Carpets and Beds (which is clearly shown on the attached photo). Neither is the application site viewed at the same time as buildings which are ***“in proximity to the site”*** such as The Mitre Vaults building on the opposite side of the road. Due to their relative positions, and the distance between them, the application site and the two listed buildings are seldom seen together.

It was therefore concluded that the proposed display unit would be located at a considerable distance from the two listed buildings, and would not detract from these two listed buildings, and that their location in the surrounding area was not relevant to the determination of this application.

We made reference in our planning statement to a recent planning decision by a neighbouring LPA, which we considered to be relevant to the application proposal. The decision by Denbighshire County Council relates to the replacement of an existing 48 sheet advertisement with 1 x 48 sheet digital advertising display unit at 8 Kinmel Street Rhyl LL18 1AH (***App. Ref. No. 45/2018/ 1155***). A copy of the decision notice was submitted with the application as support document ***LL 102 A4 11***. It is considered that the consented display mirrors the application proposal in terms of exhibiting the same operational characteristics of landscape orientation, digital illumination and static images, and being located in a setting of mixed commercial use.

The main difference between the two locations is that the Rhyl site is located in the vicinity of a Grade II Listed building (Apollo Theatre and Bingo Club) ***and*** located in a Conservation Area. Although the site is located within the Rhyl Central Conservation Area, it is also located in the “commercial core” of the town, and the immediate surroundings include local businesses and some residential buildings. The LPA carried out a full impact assessment on the application proposal and decided that ***“this appropriately sited and well-designed digital display unit”*** was acceptable in this setting. In reaching this conclusion, the LPA assessed any potential impact on the nearby listed building, and decided that the proposed display

was located sufficiently away from the listed building not to detract from its setting. It was considered that the proposed display was appropriate in the street context, and did not have any detrimental impact on the character and appearance of the nearby listed building or the surrounding area of the Conservation Area.

2) Early determination of the application

I referred in my email dated 7/02/20 to the fact that we were surprised at the early determination of the application, and that you had not contacted me to discuss any problems with the application proposal, and so provide me with an opportunity to address any concerns prior to the determination of the application.

There is obviously a difference of opinion on the assessment of the “*proximity of the application site to the listed buildings*”. May be with hindsight, this situation could have been resolved if we had been made aware of your concerns prior to the determination of the application, so that some minor amendments to the scheme could have been suggested. Alternatively we could have been requested to provide you with an “Impact Assessment Report”, as we were required to do in the case of the Rhyl site. The details of such a report may have helped to reassure you and your Conservation Officer over your concerns about any potential impact of the application proposal on the nearby listed buildings.

3) Express Consent

Express consent was originally granted for 1 x 48 sheet illuminated advertisement hoarding on 11/04/1994 (**App.Ref.No.22170 WRO**). A copy of the Planning Officer's Report was submitted with the application as support documents **LL 102 A4 09** and **LL 102 A4 10**. The site has been used for the display of advertisements for over 25 years without any complaints or objections, and it is not considered to be detrimental to visual amenity.

The application is clearly not for a new development, but for a “like for like” replacement and modernisation of a well-established 48 sheet advertising site, which has been accepted as part of the street scene with no detrimental impact on the listed buildings in the nearby area.

It was stated in the planning statement that the site had previously displayed externally illuminated poster images, and it set out in detail how the proposal seeks to improve the both the quality of the advertisements and their contribution to the street scene with the introduction of digital technology. The use of digital technology offers many practical and sustainable benefits: reduced energy consumption; easy recycling of component parts; and a vastly reduced number of maintenance visits to site.

4) Illumination

The proposal is for a 48 sheet digital advertisement, which would be comparable in scale and operation to the existing advertisement, and it is not considered that its continued use, or the modification of its presentation style, will undermine the character and setting of the area.

Part of your reason for refusal was the “*level of illumination*”, but it was suggested in the planning statement that the matter relating to luminance levels can be controlled with the necessary planning conditions being applied to the site. The brightness will be controlled by light sensors to vary the brightness of the screen according to the brightness of the day. The light sensors will also ensure that the level of luminance of the advertisements is sensitive to the change in daylight from sunrise to sunset and from summer to winter.

Recent industry research has shown that there is no additional material effect on highway safety when installing digital displays, provided that the images are only “static poster like displays”, and levels of illumination are controlled and monitored.

In order to comply with the outdoor industry digital media code, there are suggested conditions that could be applied to the consent, (including the control of the luminance levels, frequency, and manner of change between images), to the satisfaction of the LPA, and these were set out in the planning statement.

5) Pre Application Advice

You pointed out in your email dated 7/02/20 that there was no pre-application advice sought for this proposal. This is a process I have considered and sometimes recommended to my clients in the past, however, in this case I did not think it was necessary, as I believed the application proposal was straightforward for a “like for like” replacement.

With respect I have also found from my previous experience with other LPAs that pre application advice can turn out to be unproductive and sometimes more costly than submitting a standard application.

6) Complaints/ Appeals Procedure

Having taken further instructions from my client, we will not be submitting a formal complaint through the Council’s Corporate Complaints Procedure at the present time, however, my client has confirmed to me that he intends to exercise his right to Appeal to the Welsh Government through the Planning Inspectorate.

Should you wish to discuss any of the issues I have raised, please do not hesitate to contact me.

Regards

Chris

Chris Welbourne

Outdoor Advertising Services

Tel No: 07836 236653

Email: c.welbourne@yahoo.co.uk

Simon Greenland <simon.greenland@wrexham.gov.uk>

To: 'Christopher Welbourne'

Fri, 7 Feb at 14:34

Hello Christopher,

I enclose a copy of the delegated report as requested.

Representations were received as follows:

Conservation Officer

The application has been submitted for the adaptation of an externally illuminated advertisement board into a fully illuminated digital display. The application incorrectly states that there are no heritage assets within the vicinity of the proposed development; rather the display will be visible within the setting of both the Grade II Listed Old Three Tuns and the former Island Green Brewery. The application has therefore failed to make an appropriate assessment of the impact upon the setting of nearby listed buildings. Upon the approach west along Brook Street the proposed display will be viewed in the context of both listed buildings. The stand-alone nature, size and amount of illumination of the proposed display will appear out of context within this environment and therefore within the settings of these historic assets. As such, and without any supporting assessment to the contrary, I recommend that the application be refused.

Offa Community Council:

RESOLVED – To object on the grounds of road safety. The sign would be a distraction to motorists at a location where primary school children are leaving the school and crossing the road. The sign is also in close proximity to residential property across the road.

I also contacted the local ward councillor who supported the views of the Community Council.

The decision to refuse permission was made in accordance with adopted policies. I would also point out that there was no pre-application advice sought for this proposal which is likely to be controversial in a mixed commercial and residential area.

Information on complaints is available on our website via the following link. As you have decided to follow this course of action I will not respond further at this stage.

http://www.wrexham.gov.uk/top_navigation/complaints/index.htm

Kind regards

Simon Greenland

Swyddog Gorfodi a Cynllunio/Planning and Enforcement Officer

Cynllunio a Rheoleiddio/Planning and Regulatory

Christopher Welbourne <c.welbourne@yahoo.co.uk>

To:simon.greenland@wrexham.gov.uk

Cc: Paul Hardy

Fri, 7 Feb at 14:23

Dear Mr Greenland

I believe that you are the Case Officer dealing with the above application. As we are aware, the target decision date for the determination of the application was 28/02/2020. I was therefore planning to contact you in the next couple of days to establish whether your consultation process had been completed or if you had received any adverse comments or objections to the proposal from members of the public or other Consultees. There are no details about the consultation period on your planning web site, however, under normal situations, we expect this to expire around 2 weeks before the date of determination.

Apart from the response from Peter Douthwaite in your Highways Dept. there are no other comments registered on your planning web site, and Mr Douthwaite confirmed that he had no objections on highway grounds. In view of the character of the mixed use area, we would not expect any adverse comments to be received in relation to the proposed display in terms of visual amenity.

I am sure you will appreciate my surprise and frustration when I noticed that your Refusal Decision Notice was issued 05/02/2020, and is now registered on your planning web site. To date I have not been advised of this decision by yourself either by letter or email.

There would appear to be some inaccuracies in the reasons for your decision, however, my client is also disappointed that the Council has failed in its basic obligations – i.e. *"to work in a professional and proactive manner with the Applicant"*. National planning guidance and local authority policies acknowledge that *"In assessing the merits of an application for advertisement consent, Officers will seek to work with the Applicant in a positive and proactive manner in seeking solutions to problems arising in relation to dealing with the application"*. The Council has clearly failed to do this, as you did not contact me to discuss any problems with the application proposal, and you did not provide me with an opportunity to address any concerns prior to the determination of the application.

My client has instructed me to request a detailed copy of your Delegated Officer Report, and at the same time request a copy of the Council's Formal Complaints Procedure, in order that he can register a formal complaint against the standard of service carried out by the Council's Planning Department.

I can only confirm that if the Council had made us aware of any concerns and proposed some minor amendments to the scheme before the application was determined, my client would have been prepared to consider any suggestions that may have helped to achieve a positive outcome with the application. My client was denied this opportunity. He would have also have been prepared to clear up any confusion the Council may have had about the application proposal, which was **not** for a new development. This is an historical advertising site, and the proposal was to carry out a "like for like" replacement, which would improve both the quality of the advertisements and their contribution to the street scene with the introduction of digital technology.

I look forward to hearing from you.

Regards

Chris

Chris Welbourne

Outdoor Advertising Services

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