
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/05/21

gan Iwan Lloyd, BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/6/21

Appeal Decision

Site visit made on 10/05/21

by Iwan Lloyd, BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 29/6/21

Appeal Ref: APP/H6955/H/21/3269996

Site address: Land at Pentre Felin, c/o Lea Road, Wrexham, LL13 7NB

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 failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Vivid Outdoor Media Ltd. against Wrexham County Borough Council.
 - The application Ref: P/2020/0761 is dated 10 November 2020. The advertisement proposed is replacement of existing 1 x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal is against the non-determination of the application for the proposed advertisement. The draft report submitted with the questionnaire from the local planning authority indicate that it has no objection to the advertisement on amenity and highway safety grounds. The four-week statement from the local planning authority indicates that it has no further statement to make on the appeal.
 3. There is no statement from the Council indicating its position in relation to this appeal.
 4. There are objections from the Offa Ward Councillor and Offa Community Council on highway safety grounds and the impact of the proposal on the setting of listed buildings. CADW's letter dated 22 March 2021 relate to concerns that the application has not had proper regard to the impact on the setting of heritage assets in accordance with Planning Policy Wales, Planning Policy Wales Technical Advice Note 24: The Historic Environment (TAN 24) and CADW/Welsh Government guidance Managing Setting of Historic Assets in Wales May 2017.
 5. I have considered this application/appeal as if it were submitted to me in the first instance, and I have therefore taken into account the various viewpoints from the summary of representations which are set out above.
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Main Issue and background

6. The main issue is the effect of the proposed advertisement on the visual amenity of the area. In the case of amenity, the general characteristics of the locality including the presence of any feature of historic, architectural, cultural, or similar interest are material factors to consider. The settings of the listed buildings are therefore considered in the determination of this main issue.
7. A previous appeal APP/H6955/H/20/3249418 was dismissed for a digital advertisement display unit on the same site on 3 June 2020. This scheme was 0.5 metres higher than the existing hoarding and the current appeal proposal.
8. The appeal proposal has lowered the height of the display by 0.5 metres, so that it matches the height of the existing hoarding from ground level to the base of the display. Furthermore, the proposed display itself is smaller than the dimensions of the existing hoarding it intends to replace. The difference between the existing and proposed is within the range of 150mm (height difference) and 200mm (width difference). The appeal proposal now also incorporates a landscaping scheme including standard trees, hedging (around the base of the advert) and a shrub bed with evergreen and deciduous species. It is my understanding from the appellant's submission that the proposed advertisement would be an internally illuminated sequential display with the static image changing once every 10 seconds.

Reasons

9. The existing advertisement hoarding lies within a grassed bank with a backdrop of established trees on the south-side of Pentre Felin and adjacent to the junction with Lea Road. A traffic-light controlled pedestrian crossing lies directly in front of the display next to the footway that has pedestrian safety barriers and a street light close-by. Adjoining the advertisement display to the west is a set of steps leading up to St. Mary's Catholic Primary School and banked area of green with shrub and tree planting. Beyond this are commercial properties a warehouse and tyre depot. These advertise their respective premises with building fascia signs, although the warehouse fascia sign is imposing given its dimensions and colour scheme.
10. To the north of the advertisement display is a parking area associated with a shopping centre. This parking area is landscaped around its perimeter with trees and shrubs and has street lighting along its centre space. Adjacent and to the north of this parking area is the Former Island Green Brewery including Former Malthouse Grade II listed building. The existing sign is aligned at an angle to the road and directly faces the perimeter tree and shrub planting of Mitre Buildings. These are in commercial use and lie between Pentre Felin and Brewery Place. On the corner of Brewery Place and Well Place is The Old Three Tuns Public House Grade II listed building. To the east of the advertisement display is Lea Road junction and adjacent to this a detached building with associated parking forecourt.
11. In the previous appeal the Inspector described that the area was characterised with a sense of openness due to the parking area associated with the shopping centre, the school grounds and the arrangement of buildings and spaces around road junctions. The previous Inspector noted that the display would be prominent to those approaching from the east and that the previous appeal proposal would be very similar in size and orientation to the existing hoarding, although 0.5 metre higher, the changing images and internal illumination would result in substantially greater visual impact than the existing hoarding and far more prominent than existing signage to commercial properties in the area. In addition, the Inspector noted that Government

guidance¹ indicated landscaping can significantly enhance the appearance of a poster display and help it to blend with its surroundings. However, it was noted that the previous appeal advertisement display seen against green soft landscaping would stand out as arbitrary and incongruous.

12. Whilst noting that the previous Inspector referenced the height and scale of the display this was not the only concern, it was stated, *"that even with low luminance settings the proposed display unit would have an overstated commercial connotation which I consider would be out of keeping with its immediate setting"*.
13. From my reading of the previous appeal decision a reduction in the height and scale of the display and even additional landscaping in this setting would not be sufficient to overcome the harm to the visual amenity of the area.
14. As set out above, the proposed display replaces an existing static externally illuminated advertisement hoarding, it has been reduced to the height of the existing hoarding and the proposal is marginally smaller in dimension and benefits from a landscaping scheme.
15. In my view, accepting that the proposed display has been modified to reflect the scale and size of the existing hoarding and would be seen in the context of street lamp furniture, traffic light signs and in the context of a large fascia sign on a nearby warehouse building, the proposed concentrated visual and illuminated display with sequential changing images would be unduly prominent when seen against the backdrop of the landscaped bank with further planting framing the proposed display in that view.
16. I agree with the previous Inspector that the former appeal display would have stood-out in its immediate contextual setting, but in my view, the prominence of this appeal advertisement display would be equally or even more apparent to passers-by given that the proposed display screen would be framed by proposed landscaping. The proposed display would be shrouded by landscaping drawing views towards the display. In this regard, the concern previously noted that there would be an overstated commercial connotation which is out of keeping with its immediate setting is not diminished due to the fact that the proposed sign has been reduced in height and scale.
17. As noted by the previous Inspector the proposed display sign despite in this case being like the size and height of the existing hoarding would be more prominent than the existing signage and the commercial signage opposite the site. The Mitre Building's signs are relatively discreet fascia signs. None of the signs in the vicinity of the site are digital media signs where the illuminated image changes sequentially. It would be a significant change, and one which for the reasons set out above would harm the visual amenity of the area.
18. Controls can be imposed over maximum lighting levels during daytime and night time, the adjustment of brightness levels relative to environmental conditions, the sequencing and display time of images, but these in my view in combination with the landscaping and planting scheme would not be sufficient to overcome the identified harm to visual amenity.

¹ Planning Guidance (Wales) Technical Advice Note (Wales) 7 Outdoor Advertisement Control – November 1996 - Annex A – paragraph A4

19. CADW and representations from the Councillors and Community Council are concerned about the impact of the proposal on the setting of listed buildings. I have stood in front of The Old Three Tuns Public House Grade II listed building and I am satisfied that there is no direct line of sight from this building to the position of the proposed sign. The Mitre Buildings is positioned in-between so that the setting of this listed building is not diminished or harmed in anyway.
20. The Former Island Green Brewery including Former Malthouse Grade II listed building is situated at an oblique angle to the north and north-west when viewed from the position of the proposed sign. From this oblique angle in between the proposed sign and the listed building is Pentre Felin road, the parking area of the shopping centre which has column lighting trees/low level shrub planting and in part the Mitre Buildings and boundary landscaping and car parking. Whilst noting the concern that no proper heritage assessment has taken place the significance of the listed building and the contribution the setting makes to that significance is not harmed by this proposal. This was the broad conclusion of the previous Inspector, and I concur, that on the available evidence and my assessment of the site and surroundings the proposed advertisement would not harm the settings of the listed buildings.
21. The appellant refers to an appeal allowed for a digital advertisement display at Unit 2 and 3 Counterpoint, Regent Street, Wrexham under appeal reference APP/H6955/H/20/3261337. Having viewed this display on site, and this appeal can be differentiated from the current proposal in relation to the character and appearance of the site and surroundings. I do not consider that the character of the sites is alike to make a direct comparison between the two appeals.
22. I note the concern about highway safety. I note the local planning authority's submission that the highway authority raised no objection to the previous or current appeal proposal. The sign is located in a 20mph speed limit area and is set-back from the footway. Given that the highway officer is content with a condition to prevent glare and dazzle to traffic users and there is no technical evidence to the contrary, I am satisfied that the proposed sign would not harm public safety.
23. 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 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I 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 set out in section 8 of the WBFG Act.
24. I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR