

KEY INFORMATION

Ward Lochee

Proposal

Retention of illuminated free standing sign

Address

101 Charleston Drive
Dundee
DD2 2HB

Applicant

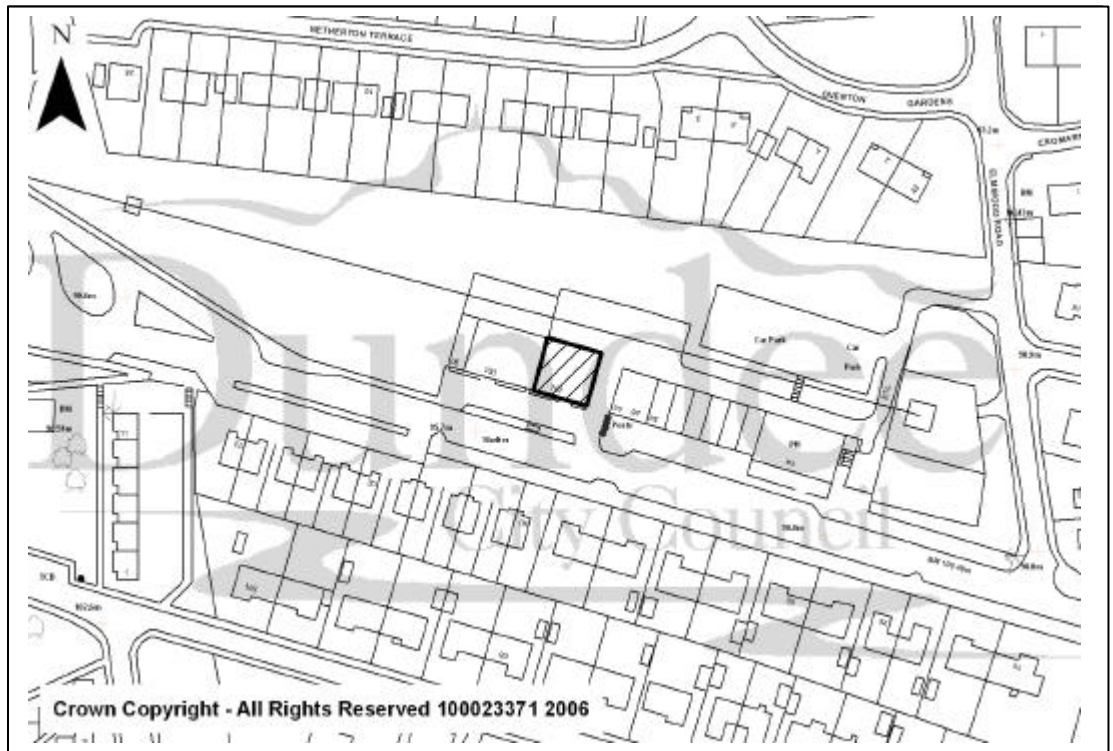
A Mohammed
c/o Highway Autostores
101 Charleston Drive
Dundee
DD2 2HB

Agent

Leadingham Jameson
Rogers and Hynd
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Dundee
DD1 1PD

Registered 13 April 2007

Case Officer B Knox



Consent Sought for Illuminated Sign in Charleston Drive

Retrospective permission to display an illuminated free standing sign is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is considered to be contrary to Policy 63 of the Dundee Local Plan Review 2005 due to its negative impact upon the vitality of the shopping parade and nearby shop frontages. It is considered that the objections submitted support the recommendation of refusal. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Retrospective advertisement consent is sought for the erection of a totem style sign approximately 5.6 metres in total height on land adjacent to a small shopping parade on Charleston Drive.
- The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that control can only be exercised in the interests of amenity and safety. Policy 63 of the Dundee Local Plan Review 2005 is relevant to the determination of the application.
- The application is being referred to the Development Quality Committee as the result of two letters of objection which raise concerns in relation to safety and appearance.

DESCRIPTION OF PROPOSAL

Advertisement Consent is sought for the retention of a totem style illuminated free standing pole. The unit is constructed of steel and has plastic facing. It has an internally illuminated central section via a florescent strip light. It is approximately 1.5 metres wide and 5.6 metres tall.

SITE DESCRIPTION

The application site is located on the north side of Charleston Drive alongside a parade of commercial and retail units and relates to the Highway Autostores at 101 Charleston Drive, Dundee. The proposed sign is already erected at the eastern side of the premises on a hardsurfaced area of land. There are residential properties on the south side of Charleston Drive.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

The following policies are of relevance:

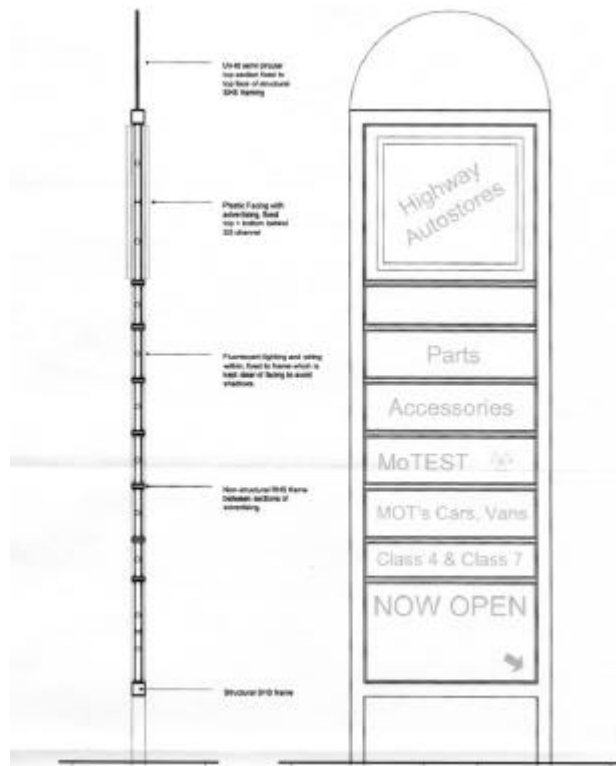
Policy 63: Advertising - in determining the acceptability of advertisement displays on buildings and advertisement hoardings, each case will be judged on its merits. The following two aspects will be carefully considered:

- a the impact of the proposal on the visual amenity not only of the property itself but also neighbouring properties and the surrounding area; and
- b the impact of the proposal on public safety, particularly the safety of pedestrians, drivers and other road users.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

Circular 10/1984 supports and explains the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. This advice indicates that properly displayed advertisements are capable of enhancing and improving the environment by adding colour and interest. The circular encourages



planning authorities to consider proposals for the display of advertisements in as favourable a light as possible. The Circular also reminds planning authorities of Regulation 4 of the Regulations which govern the display of advertisements that control can only be exercised in the interests of amenity and safety.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

A previous application for a similar sign was approved in 2006. However, the location of the sign was at the other side of the access road and was not considered to give rise to any public safety issues or impacts upon the adjacent shopping parade. The sign was subsequently erected but in a different location from the approved plans. The current application has been submitted as a consequence of public complaints in relation to this.

PUBLIC PARTICIPATION

There is no statutory neighbour notification in respect of advertisement consent applications.

Two letters of objection were received from nearby commercial and residential occupants on the grounds that:

- it will not enhance the appearance of the area;
- it is not properly secured to the ground and is likely to cause an accident; and
- it obstructs the view of the shopping parade to potential customers.

These points are to be discussed in the "Observations" Section below.

CONSULTATIONS

No adverse comments were received from any of the statutory consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of

this application are specified in the Policy background section above.

Regulation 4 of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 provides that the powers conferred by the Regulations (ie the control of advertisements) are exercisable only in the interests of amenity and public safety.

In respect of amenity planning authorities should determine the suitability of the use of the site in the light of the “general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest” and in doing so may disregard any existing advertisements.

In considering public safety the safety of persons and road users and the obscuring of statutory signage shall be the main considerations.

The reasoned justification of Policy 63: Advertising of the Dundee Local Plan Review 2005 states that a balance must be struck in permitting advertising adequate to meet the needs of commerce, but which is appropriate to the retention of the quality of the built environment.

Notwithstanding that an application for similar signage located a short distance away from the current application was approved as above in Site History section, it is considered that the proposed location is significantly more prominent and as such detracts from the line of shop frontages in the area.

In addition to this, due to its increased level of prominence it is considered that it will block views to the remainder of shops in the parade and as such will have a detrimental effect upon the vitality of the active street frontage of these shops.

In this respect, it is considered that the proposal fails to comply with Policy 63 (a) of the Dundee Local Plan Review 2005.

The safety of the signage was also considered. The structure will not adversely impact on the safe passage of vehicles by obscuring sight lines or traffic signs and would allow the free passage of pedestrians. The stability of the sign was also considered and was concluded to be acceptable.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Objections - two letters of objection were received from nearby residential and commercial occupants on the grounds that:

- it will not enhance the appearance of the area
- it obstructs the view of the shopping parade to potential customers

As stated above, it is considered that the prominent location of the sign detracts from the line of shop frontages in the area and has a detrimental effect upon the vitality of the active street frontage of these shops. In this respect, the views of the objectors are upheld.

- it is not properly secured to the ground and is likely to cause an accident.

It is considered that the structure is stable and allows safe passage of vehicles and pedestrians. In this respect, the views of the objectors are dismissed.

It is concluded from the foregoing that there are no material considerations such as to justify the approval of Advertisement Consent contrary to the provisions of the development plan. It is therefore recommended that Advertisement Consent be refused.

Design

It is considered that the design is not suitable in this location due to its prominence and negative effect upon the shopping parade.

CONCLUSION

The proposed sign is not considered to be appropriate in the proposed location due to its prominence and negative effect upon the vitality of the shopping parade.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reason

- 1 The proposal is considered to be contrary to Policy 63 of the Dundee Local Plan Review 2005 due to its prominence and the resulting negative effect upon the vitality of the nearby shopping parade and shop frontages.