

Advertisement of the Following Types: Hoarding Removal of Existing 48 Sheet Advert and Replacement With One 48 Sheet Digital Advert

KEY INFORMATION

Ward Lochee

Address

Old Muirton Road

Applicant

Wildstone Group Limited
Barton Hall
29 Gloucester Street
Cirencester
Gloucestershire

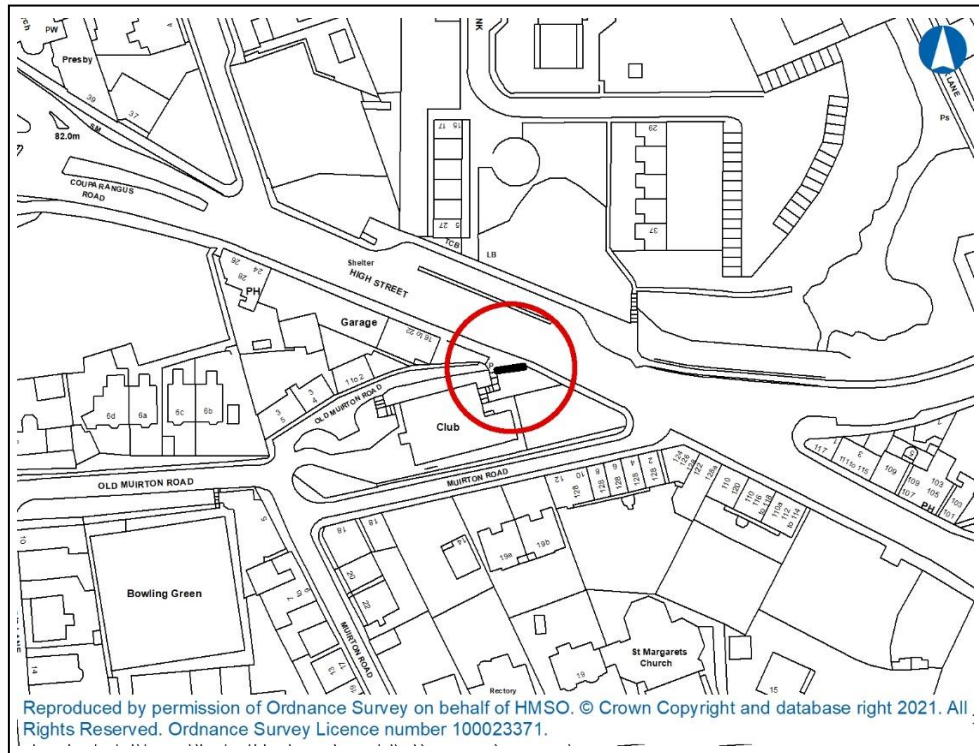
Agent

Iceni Projects Ltd

Registered 10 Dec 2020

**Report by Head of Planning
& Economic Development**

Contact: Sharon Dorward



SUMMARY OF REPORT

- The application seeks advertisement consent for the erection of a digital advertising hoarding on land at Old Muirton Road, Lochee to replace an existing freestanding timber advertising hoarding at the same location.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. In total 6 letters of objection were received to the proposal.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as 6 or more valid written objections have been received and the recommendation is for approval.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=QL4VARGCLSW00&activeTab=summary>

RECOMMENDATION

The application seeks the approval of advertisement consent. The proposal would satisfy the requirements of Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. There are no material considerations of sufficient weight to justify refusal of the application. It is therefore recommended that advertisement consent be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Advertisement consent is sought for the erection of a freestanding digital advertising sheet. The advertisement hoarding would measure 6.2 metres x 3.2 metres, to a height of 5.2 metres from ground level, with a static display covering 6.0 metres x 3.0 metres. The freestanding display would replace an existing freestanding timber advertising hoarding.
- 1.2 Static advertisements would be displayed on rotation, there would be no moving or flashing images. The change in display would be instant with no sequencing, fading, swiping or merging of images, and would occur no more frequently than every 10 seconds. The display would be limited to 300 candelas at night time and would adjust to ambient brightness. A limit of 5,000 candela would be applied in daytime hours as per best practice guidance.
- 1.3 The applicant has submitted the following in support of the application:
 - Supporting Statement.

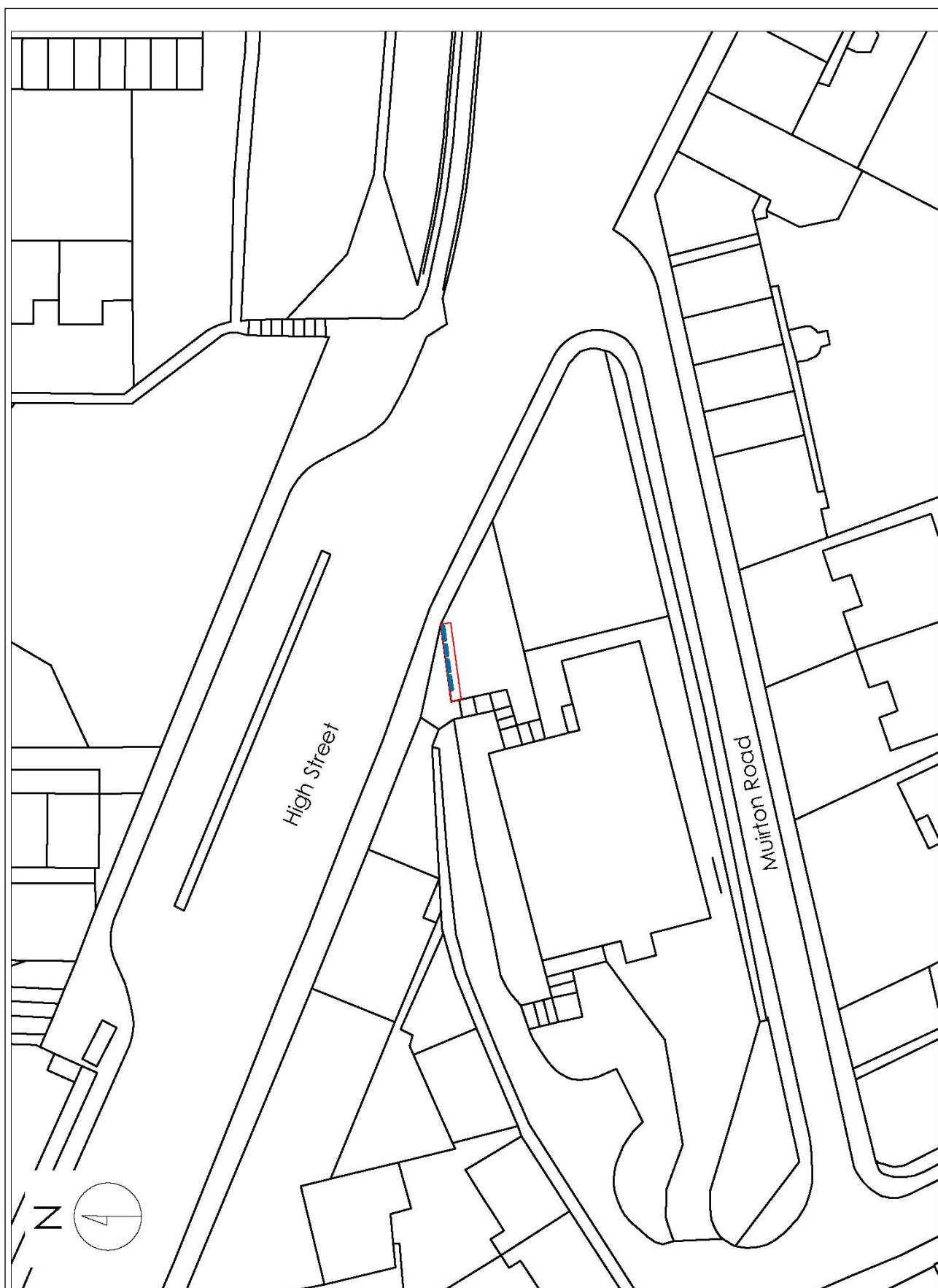


Figure 1 – Proposed Site Plan



2 SITE DESCRIPTION

- 2.1 The application site is located adjacent to Lochee High Street, within the Lochee Conservation Area. The application site is immediately adjacent to a MOT station building, finished in cream painted wet dash render with a corrugated iron roof. The area of land is currently used as a car park and lies to the north of the Category B listed Lochee Burns Club. The Club is the former Lochee station which is brick built and sits higher to the north than the south, adjacent to the former platform. There is an existing freestanding advertisement white painted timber hoarding on site which measures a total of 6.2 metres x 4.4 metres, with an advertising area of 6.00 metres x 3.00 metres. The existing billboard faces north, approximately 30 degrees to Lochee High Street, parallel to Old Muirton Road.



Figure 3 – Existing View Towards Site

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design/Placemaking

Policy 49: Listed Buildings

Policy 51: Development in Conservation Areas

NON-STATUTORY STATEMENTS

Lochee Conservation Area Appraisal

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 There is no previous application history at the site.

5 PUBLIC PARTICIPATION

5.1 6 letters were received objecting to the proposal, including a letter from Dundee Cycling Forum.

5.2 The letters of objection raised the following:

- driver distraction;
- impact on safety of cycle lane;
- history of accidents; and
- not in keeping with the Conservation Area.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 There were no comments on the application.

7 DETERMINING ISSUES

- 7.1 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.
- 7.2 In terms of amenity, planning authorities should determine the suitability of the use of the site in 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.
- 7.3 Whilst the proposal would see a change from a timber poster type hoarding to a digital display, the applicant states that this is part of an industry wide modernisation drive to improve advertisement infrastructure. This would have the benefit of improving the visual amenity of sites, reducing vehicle trips to change adverts, reducing paper and printing, and using smart technology to advertise and announce in real time.
- 7.4 The proposed advertisement would be sited in a built up urban area where there is a mix of uses, high activity and moving traffic. There are commercial premises nearby with external signage, and the site is adjacent to a vehicle repair garage. The proposed replacement advertisement is considered to be of a size and design that is acceptable and appropriate within this urban context. The external finish for the frame and base of the unit is not specified but is depicted as black. A condition is proposed to seek further details to ensure that the finish would be appropriate.
- 7.5 The advert would be located within the Lochee Conservation Area and adjacent to the north elevation of the Category B Listed Lochee Burns Club building. As explained above, the advert would sit below the listed building and would be viewed within the same context as that which exists at present. The façade of the listed building would be visible in a similar manner to that which exists at present. Similarly, the proposed advert would be viewed in the context of a modern mixed use, urban environment and would not have any significant adverse impact on the character or appearance of the Conservation Area.
- 7.6 Whilst the digital display would emit light, it would be controlled by a light sensor that would adjust the brightness to reflect the difference between daylight and darkness. The applicant states that the level of illumination would be a maximum of 300 candela per square metre at night and 5000 candela per square meter during the day with the actual level being set up on site to reflect the real site conditions. These levels would be maximum illumination levels, for instance a full white screen which would not generally occur, and therefore the real levels would likely be lower. However, as there are residential properties to the north of the site, it is considered necessary to attach a condition to ensure that the level of brightness on site is submitted to and agreed in writing by the planning authority.
- 7.7 With respect to public safety, the safety of persons and road users and the obscuring of statutory signage are the main considerations. The application site is in close proximity to Lochee Road. The proposed signage would have no impact on the existing footway. The supporting information submitted with the application states that the static advertisements would be displayed on rotation and there would be no moving or flashing images. The change in display would be instant with no sequencing, fading, swiping or merging of images, and would occur no more frequently than every 10 seconds.
- 7.8 Dundee City Council collated accident data for the area which shows that a total of five road accidents have occurred in proximity to the application site between the dates of February

2015 and November 2019. None of these accidents were caused by driver distraction due to the existing signage.

- 7.9 Conditions are proposed to seek further details of the frequency of image changes, levels of illumination, and to ensure that the images would not move in the interests of minimising driver distraction and impact on amenity. With the addition of these conditions, the replacement of the advertisement hoarding with a digital advertisement of the same size and in the same location would have no detrimental impact on the safe function of the existing road network and would have no adverse impact on public safety at this site.
- 7.10 The proposals satisfy the requirements of Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

OTHER STATUTORY DUTIES - PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

- 7.11 Section 59 of the Act requires the Council to have special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses.
- 7.12 Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.13 These matters have already been considered in the assessment of the proposed advertisement under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. As stated above the proposed signage would not have any significant adverse impact on the setting of the Lochee Burns Club or the Lochee Conservation Area.
- 7.14 It is considered that the approval of the proposals would discharge the above statutory duties.

MATERIAL CONSIDERATIONS

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

A – REPRESENTATIONS

- 7.16 In total 6 letters were received objecting to the proposal, including 1 from Dundee Cycling Forum, and 1 letter has been received from Dundee Civic Trust neither objecting to nor supporting the proposal.
- 7.17 The objections raised the following valid material grounds:
- 7.18 **Objection** – driver distraction.
- 7.19 **Response** – there would be no increase to driver distraction. Static advertisements would be displayed on rotation and there would be no moving or flashing images. The change in display would be instant with no sequencing, fading, swiping or merging of images, and would occur no more frequently than every 10 seconds. As discussed earlier in this report further details for the image changes would be sought via a planning condition to ensure that there would be no driver distraction. Five road accidents have occurred between February 2015 and November 2019 in close proximity to the site. None of these were caused by driver distraction due to the existing signage. As such, it is unlikely that the proposed sign would result in any significant adverse impact on road safety.

- 7.20 **Objection** – impact on safety of cycle lane.
- 7.21 **Response** – one accident listed in September 2018 involved a cyclist. However, the collision occurred at the traffic lights further down the road and past the sign. Therefore the location of the existing signage was not a factor in that accident. The proposed sign would cause no increase to driver distraction in relation to the cycle lane.
- 7.22 **Objection** – history of accidents.
- 7.23 **Response** – the road traffic accident history at the site includes 5 accidents between February 2015 and November 2019, with none of those attributed to the existing advertisement hoarding. For the reasons explained above, the location of the sign is not considered to be a significant road safety concern and would not exacerbate any road safety issues in the area.
- 7.24 **Objection** – not in keeping with conservation area.
- 7.25 **Response** – the proposed advertisement would be sited in a built up urban area where there is a mix of uses including commercial premises with external signage. It is considered that the proposed advertisement would be of a size and design that is acceptable and appropriate within this urban context. The location is considered to be appropriate against the backdrop of a blank wall in a position where it would not obscure any features of the nearby listed building or the character of the Lochee Conservation Area.
- 7.26 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of advertisement consent.

B - DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.27 Policy 1 (High Quality Design and Placemaking), Policy 49 (Listed Buildings) and Policy 51 (Development in Conservation Areas) are relevant in the consideration of the proposal. Policies 1, 49 and 51 of the Dundee Local Development Plan have been addressed in the assessment of the proposals against the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. In discharging the statutory duties outlined above the proposals satisfy the requirements of the Dundee Local Development Plan 2019.
- 7.28 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of the application for advertisement consent.**

8 CONCLUSION

- 8.1 The application must be determined in accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, unless material considerations indicate otherwise. The application has been granted because the signage is of an acceptable standard and would not detract from the appearance of the surrounding area, Lochee Conservation Area or the adjacent listed Lochee Burns Club. The location of the signs would not cause any issues in terms of public safety. The proposed signage would be in accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. There are no material considerations of sufficient weight that would justify refusal of the application. Therefore, it is recommended that the application is approved.

9 RECOMMENDATION

9.1 It is recommended that the application is APPROVED subject to the following conditions:

- 1 **Condition** - prior to the commencement of any works hereby approved on site, details of the specification of the proposed finishes and colour shall be submitted for approval in writing by this Planning Authority. Only the approved specification and colour shall thereafter be used.

Reason - in the interests of visual amenity.

- 2 **Condition** - prior to the sign becoming operational, full details of the proposed lighting illumination levels shall be submitted for the prior agreement of Dundee City Council as planning authority. Thereafter, the advert shall not exceed the agreed level(s) of illumination.

Reason - to ensure the light from the sign does not cause any driver distraction or impact on amenity.

- 3 **Condition** - prior to the sign becoming operational, details of the proposed frequency of image changes and what format the change will be shall be submitted for the prior agreement of Dundee City Council as planning authority.

Reason - to ensure the change of image does not cause any driver distraction.

- 4 **Condition** - no moving images shall be permitted on the screen.

Reason - to ensure the image does not cause any driver distraction.