

KEY INFORMATION**Ward** Broughty Ferry**Proposal**
Erection of banners**Address**
3-7 Erskine Lane
Broughty Ferry
Dundee
DD5 1DG**Applicant**
Saleem Mohamid,
Spice Restaurant
3-7 Erskine Lane
Broughty Ferry
Dundee
DD5 1DG**Agent**
James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP**Registered** 30 Sep 2002**Case Officer** J Finlay

Retrospective Consent sought for Illuminated Banners in Erskine Lane

The erection of banners is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed advert banners will have an adverse visual impact on the immediate and surrounding area. More suitable solutions were sought with the applicant but dismissed with no valid reasoning. The proposal is contrary to Policy BE6 of the Local Plan and accordingly Refusal is recommended.

SUMMARY OF REPORT

- Advertisement consent is sought for the erection of three banners on the east elevation of a public house and restaurant at 3-7 Erskine Lane, Broughty Ferry, Dundee. These banners are already in place.
- Policy BE6 of the Dundee Local Plan 1998 is relevant to the consideration of the application which states that consideration will be given to the effect on residential amenity and on the appearance of the environment. Policy 63 of the Finalised Dundee Local Plan Review 2003 is also relevant.
- No objections were received from statutory consultees, other bodies or the general public.
- It is considered that the proposed advertisement banners would have an adverse visual impact on the visual amenity of the building and surrounding area and would set an unacceptable precedent for further high level signage at prominent locations in Broughty Ferry.

DESCRIPTION OF PROPOSAL

Advertisement consent is sought for the erection of 3 advert banners at first floor level on the east elevation of the building at 3-7 Erskine Lane, Broughty Ferry, Dundee. The banners have been erected on the building and advertise a public house, function room and restaurant. Their dimensions are 700mm x 1300mm, 700mm x 2000mm and 700mm x 3000mm respectively. The banners are white with black fixings, black uplighters, black individual letters and a picture of a red chilli.

SITE DESCRIPTION

The application site is located on the west side of Erskine Lane, which is on the west side and parallel to Fort Street. The building is 2 storey with a red painted frontage and various advertisement banners which are the subject of this application. There are uplighters below the individual advert banners and downlighters attached to the wall. An advert is located at high level on the north facing gable wall, which does not benefit from planning or advertisement consent. An application in respect of this advertisement is the subject of a report elsewhere on this Agenda. To the south are tenement flats above ground floor commercial properties. Wigmores Restaurant occupies the ground floor of the two storey building to the north end of the site. To the east is Fort Street bridge.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

BE6: The Council when determining applications for advertisements will consider the effect they may have on the residential amenity of a property and their impact on the appearance of the environment.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan 2003

The following policies are of relevance:

Policy 63: 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

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 13 of the Council's Agenda 21 Policies is relevant to the consideration of this application. It

states that places, spaces and objects should combine meaning and beauty with utility.

SITE HISTORY

The following applications are relevant:

86/01436/DADV - retrospective consent for erection of illuminated sign - A/C 13.10.86;

01/30385/FUL - Elevational alterations - Approved 29.11.01;

02/00089/FUL - Elevational alterations - Approved 21.02.02;

03/00032/ADV - Erection of advert at high level - Pending consideration but recommended for refusal.

PUBLIC PARTICIPATION

Statutory neighbour notification is not required with an advertisement application. No objections were received to the proposed advert banners.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

OBSERVATIONS

In accordance with the provisions of Section 182 of the Act and paragraph 4 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the statutory requirement; and if not
- b whether an exception to the provisions of the statutory requirement 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.

Policy BE6 of the Dundee Local Plan 1998 is relevant to the determination of the application. It states that the Council will consider the effect of advertisements on listed buildings and

their setting, the character of conservation areas, their effect on the residential amenity of a property and their impact on the appearance of the environment. The building is not listed or within a conservation area and so these sections of the policy are not contravened. Nevertheless, it is considered that the advert banners detract from the visual amenity of the building and surrounding area due to their cluttered appearance on the frontage of the building and as such are contrary to Policy BE6 of the Dundee Local Plan 1998. Furthermore, an unacceptable precedent could be set if these adverts are approved.

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:

Finalised Dundee Local Plan Review

Policy 63 of the Finalised Dundee Local Plan Review is relevant as a material consideration. This policy addresses similar issues to Policy BE6 of the adopted Plan. It raises an additional issue of the impact of the proposal on public safety, particularly the safety of pedestrians, drivers and other road users. It is considered that the proposed adverts will not have adverse impact on public safety due to their location at first floor level on the frontage of the building.

Other Issues

The Council does not normally support applications for adverts at high level on buildings because of their adverse visual impact on the appearance of the building. The proposed banners, which have already been implemented are seen as a temporary method of advertising and detract from the visual amenity of the building and surrounding area due to their cluttered appearance on the frontage of the building.

There is an existing fascia board on the building at ground floor level where a fascia sign had been previously attached and it is considered that this type of advert would be more

appropriate together with a small projecting sign.

The applicant was requested to consider this issue and also to look at reducing the number of advertisement banners to decrease the adverse visual impact. Neither of these options were taken into consideration by the applicant. It is considered that if the two smaller banners are to remain the appearance would be acceptable and should be supported by the Council.

The applicant argues that over the past few years there have been a number of businesses at Erskine Lane which have opened and failed for various reasons. One of the prime reasons given for failure is that people did not know they existed. This argument is dismissed on the basis that there is a restaurant business on Erskine Lane which uses only one small projecting sign to advertise their business and has operated successfully from this location for approximately 14 years.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

It is considered that the number and size of the advert banners at this location are dominant on the frontage of the building. The lettering and logo design on the banners are considered acceptable.

CONCLUSION

The proposal is contrary to Policy BE6 of the Dundee Local Plan 1998 due to the adverse visual impact on the immediate and surrounding area. It follows that it is also contrary to Policy 63 of the Finalised Dundee Local Plan Review. Other more suitable options for signage at this location were proposed to the applicant and none of these were considered. There are no material considerations that would justify approval and therefore the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reason

- 1 The proposal is contrary to Policy BE6 of the Dundee Local Plan 1998 due to the adverse visual impact on the building and surrounding area and an unacceptable precedent could be set for the erection of similar high level advertisements at prominent locations in the locality. There are no material considerations that would justify the granting of advertisement consent contrary to the development plan.
- 2 The proposal is contrary to Policy 63 of the Finalised Dundee Local Plan Review due to the adverse visual impact on the property, neighbouring properties and surrounding area. There are no material considerations that would justify the granting of advertisement consent in these circumstances.