

KEY INFORMATION

Ward Maryfield

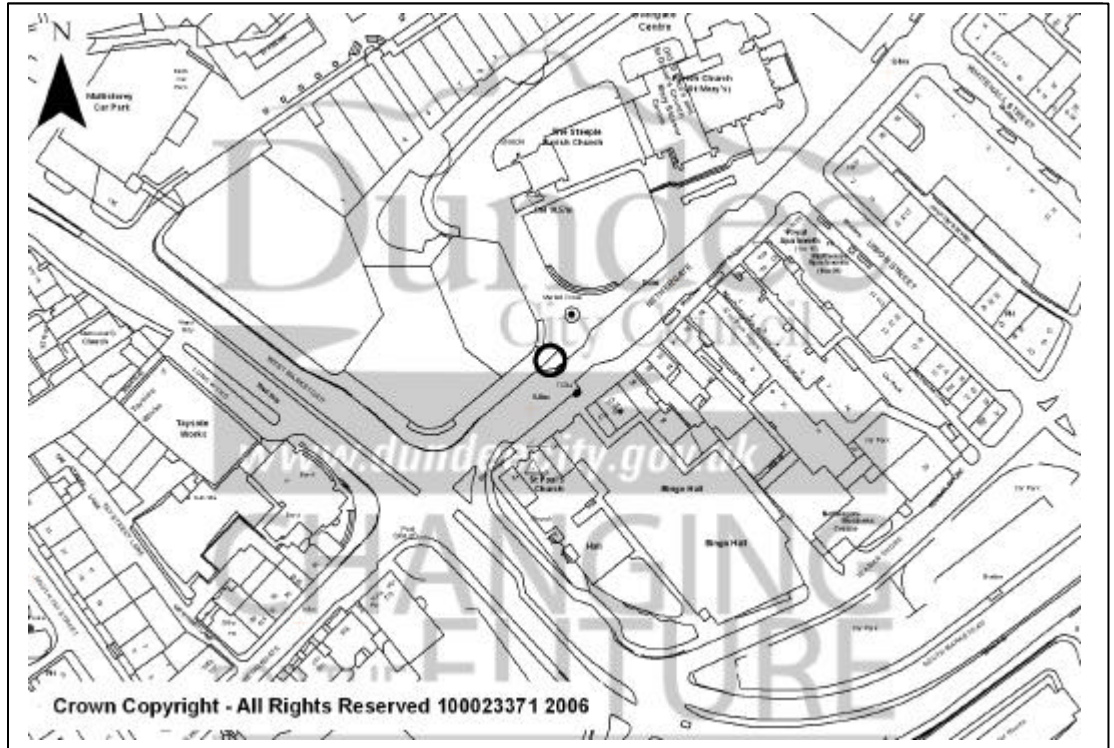
Proposal

Erection of freestanding double sided illuminated advert unit

AddressLand Opposite 104
Nethergate
Dundee**Applicant**Clear Channel UK Ltd
119 Deerdykes View
Westfield Industrial Estate
Cumbernauld
G68 9HN**Agent**

Registered 12 Mar 2007

Case Officer Wendy Ferry



Proposed Advertising Unit in Nethergate

The erection of a free standing double sided illuminated advert unit is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed advertisement unit is acceptable in terms of amenity and safety considerations. The proposal complies with Policies 61 and 63 of the Dundee Local Plan Review 2005. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Advertisement consent is sought to erect a free standing double sided illuminated advert sign on land opposite 104 Nethergate, Dundee.
- 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. Policies 61 and 63 of the Dundee Local Plan Review 2005 are relevant to the determination of the application.
- The application is being referred to the Development Quality Committee as the result of one valid outstanding objection raised by the Dundee City Centre Action Group.
- It is considered that the proposed sign would not have an adverse impact on the safety of pedestrians, of traffic and the visual appearance of the sign is considered acceptable. It is concluded that the proposals comply with the provisions of the development plan and there are no material considerations of sufficient weight to justify a recommendation of refusal.

DESCRIPTION OF PROPOSAL

Advertisement consent is sought for the erection of a free standing double sided illuminated advert unit. It is to be internally illuminated with 3 fluorescent tubes and is to be 2620mm tall by 1370mm wide and 130mm in depth.

The advertisement unit is to have a black metal frame with a glass insert. The glass is to be toughened safety glass to a European Standard BS EN 12150 and this will help to protect against vandalism.

SITE DESCRIPTION

The application site is located to the north side of Nethergate adjacent to 104 Nethergate, Dundee. It is on a paved area next to a pedestrian crossing in the Central Conservation Area. This is a mixed use area with the Overgate Shopping Centre and City Churches being to the north of the site and residential, commercial and retail units adjacent to the site. There is a taxi rank to the north east of the site and various bus stops close by. This is a busy street for pedestrians, taxis and buses.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policy is of relevance:

Policy 63: Advertising states that 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.

Policy 61: Development in Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area.

The accompanying reasoned justification indicates that positive management of these areas is vital if their character and appearance is to be protected and enhanced. Conservation areas provide the opportunity to introduce good quality modern design and bring together old and new to create an attractive evolving local landscape.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are 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

There is no site history of direct relevance to the application site.

PUBLIC PARTICIPATION

There is no statutory neighbour notification in respect of advertisement consent applications. This application was advertised in the Evening Telegraph as Affecting the Setting of a Conservation Area.

A valid objection from Dundee City Centre Action Group indicates concerns about visual amenity and public safety for pedestrians and road users. Another letter of objection was subsequently withdrawn.

The objection is discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments were received from statutory bodies.

OBSERVATIONS

Regulation 4 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

This regulation 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.

Amenity: The design of the structure is considered to be acceptable. The

location of the structure will bear a positive relationship to other items of street furniture. It is therefore considered that the proposal will not have an adverse impact on the high quality amenity of the locality.

Public Safety: It is considered that the structure is located in such a position that there will be no undue interruption to the free and safe passage of pedestrians. The structure will not adversely impact on the safe passage of vehicles by the obscuring of sight lines or traffic signs.

A standard condition is to be placed on this application to ensure that the unit is placed in a precise location so as to avoid disturbance of underground services.

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 63: Advertising. The terms of this policy replicate the requirements of Regulation 4 of the Advertisement Regulations as outlined above. The reasoned justification supporting the policy advises 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. It is concluded that the proposal, for the reason specified above complies with this policy and the general thrust of the local plan in respect of amenity and public safety for pedestrians and traffic.

Policy 61: Development in Conservation Areas. This policy and the accompanying reasoned justification indicates that all development proposals will be expected to preserve or enhance the character of conservation areas. The city centre conservation area is classified as outstanding and the Council and its partners have consistently achieved the highest quality of design in all its environmental improvement works. This proposal will complement these initiatives and the conservation area in general. It is therefore considered that the proposal complies with the terms of this policy.

It can be concluded from the foregoing that the proposal complies with the provisions of the development plan.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

Section 64 of the Act requires planning authorities in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted local plan review. It is concluded that the proposal will not have an adverse impact on the character of the outstanding city centre conservation area.

Memorandum of Guidance on Listed Buildings and Conservation Areas

The Memorandum published by Historic Scotland provides guidance to planning authorities in respect of conservation matters and includes reference to the control of advertising. Planning authorities are advised to use their powers of control flexibly recognising that conservation areas are often also thriving commercial centres. However in doing so they must ensure that advertising displays do not detract from the appearance of the area.

Objections

One valid and outstanding objection has been received from the Dundee City Centre Action Group. The terms of the objection are outlined above. The terms of the objection are not supported for the reasons specified in the discharge of policy considerations above and design matters below. It is considered that the structure will not adversely affect the high quality amenity of the locality and that traffic and pedestrian safety will not be adversely affected.

Design

It is considered that the proposed sign is considered an acceptable scale and design at this location.

CONCLUSION

It is considered that the design and location of the proposal will not have an adverse effect on the amenity of the area and there will be no adverse impact on the safe passage of pedestrians or vehicles. The design of

the proposal is considered to be satisfactory for the reasons outlined in the design section above.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 This consent shall be valid for a period of 5 years from the date granted.
- 2 That, prior to its installation, the precise location of the sign shall be agreed in writing with the planning authority.
- 3 The glass used in both sides of the unit shall be glazed and re-glazed in toughened safety glass to a European Standard Code BS EN 12150.

Reasons

- 1 To comply with Article 18 and Schedule 1 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 2 In order to ensure that the sign is located in precise location in order to avoid conflict with underground services.
- 3 In the interests of public safety.