

Erection of a Flagpole

KEY INFORMATION

Ward The Ferry

Address

19 Navarre Street, Broughty Ferry, Dundee

Applicant

Mr Fraser Moncur
19 Navarre Street
Broughty Ferry
Dundee

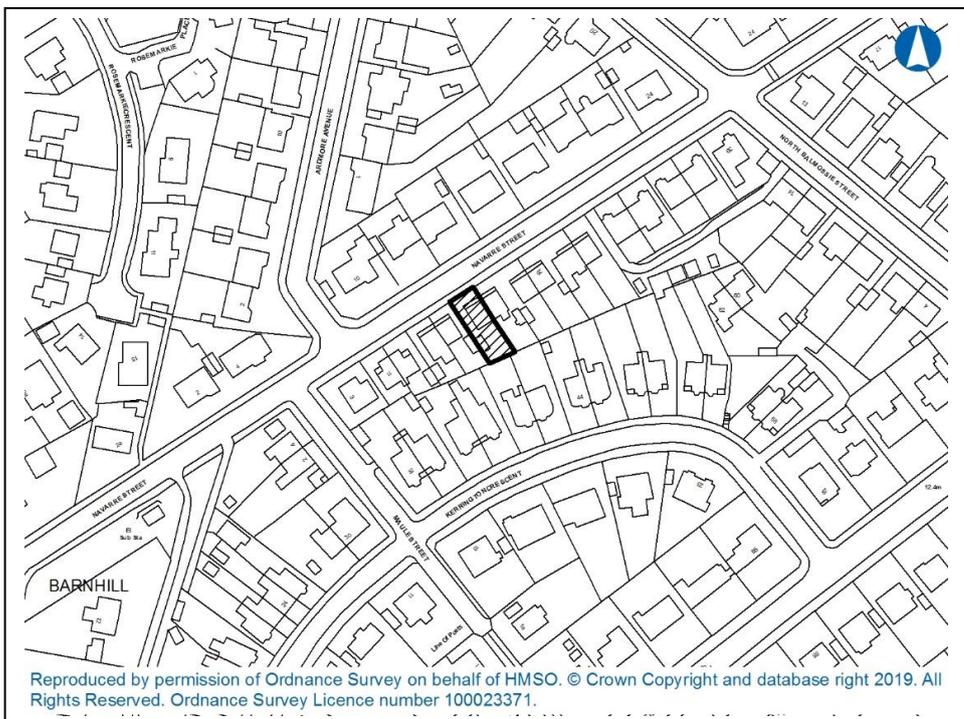
Agent

Lawrence Bertram

Registered 5 March 2019

Report by Head of Planning and Economic Development

Contact: Ross Pattenden



SUMMARY OF REPORT

- Planning permission is sought for the erection of a flagpole in the front garden of a two storey semi-detached property on Navarre Street.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 8 letters of objection have been received in total including one letter of objection from Broughty Ferry Community Council. No letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as a result of the number of objections that were received including an objection from Broughty Ferry Community Council, and the recommendation is for approval.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PNWL7LGC06600>.

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations that would justify refusal of planning permission. The application is therefore recommended for APPROVAL.

1 DESCRIPTION OF PROPOSAL

- 1.1 The proposal is for the erection of a flagpole. The flagpole is for domestic use and will be situated in the front garden of a semi-detached two storey house. The flagpole would be 6 metres high with a 15cm diameter, and would be affixed to a concrete base. The pole is to be made of fibreglass with a white colour finish. It would be located 2.2 metres from the boundary of the neighbouring house to the east and 2.6 metres from the front boundary to Navarre Street. The applicant has advised that he intends to fly a national flag from the flagpole.
- 1.2 Members are advised that the planning and advertisement regulations allow a national flag to be flown on a flagpole but that the flying of all other types of flag would need a separate advertisement consent. The advertisement regulations define an advertisement (which can include the content of flags) quite widely, to include any “word, letter, model, sign, device or representation employed wholly or partly for the purposes of advertisement, announcement, or direction”.
- 1.3 As a result, planning permission is not required for the flag itself and that is not for consideration as part of this application.

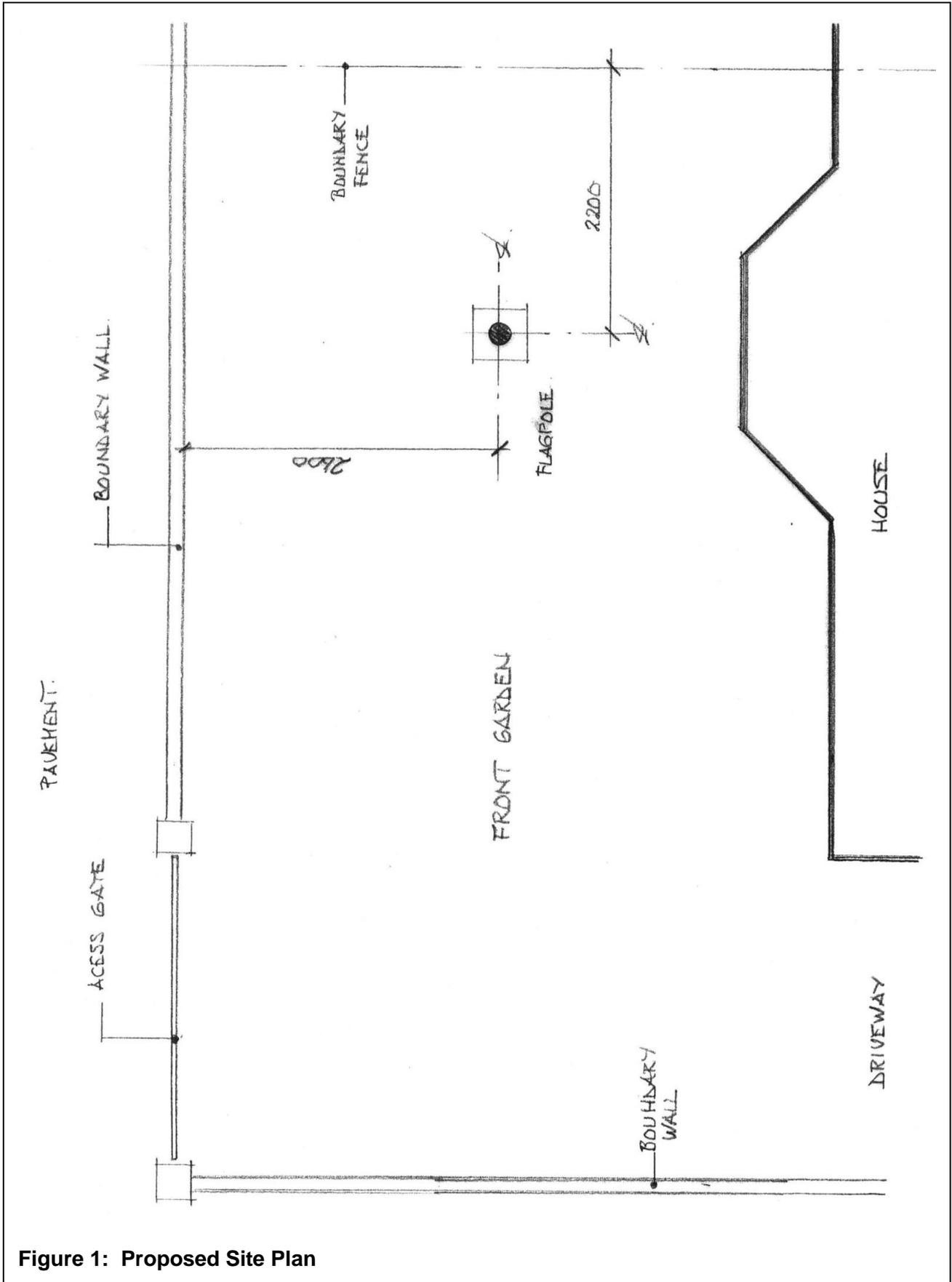


Figure 1: Proposed Site Plan

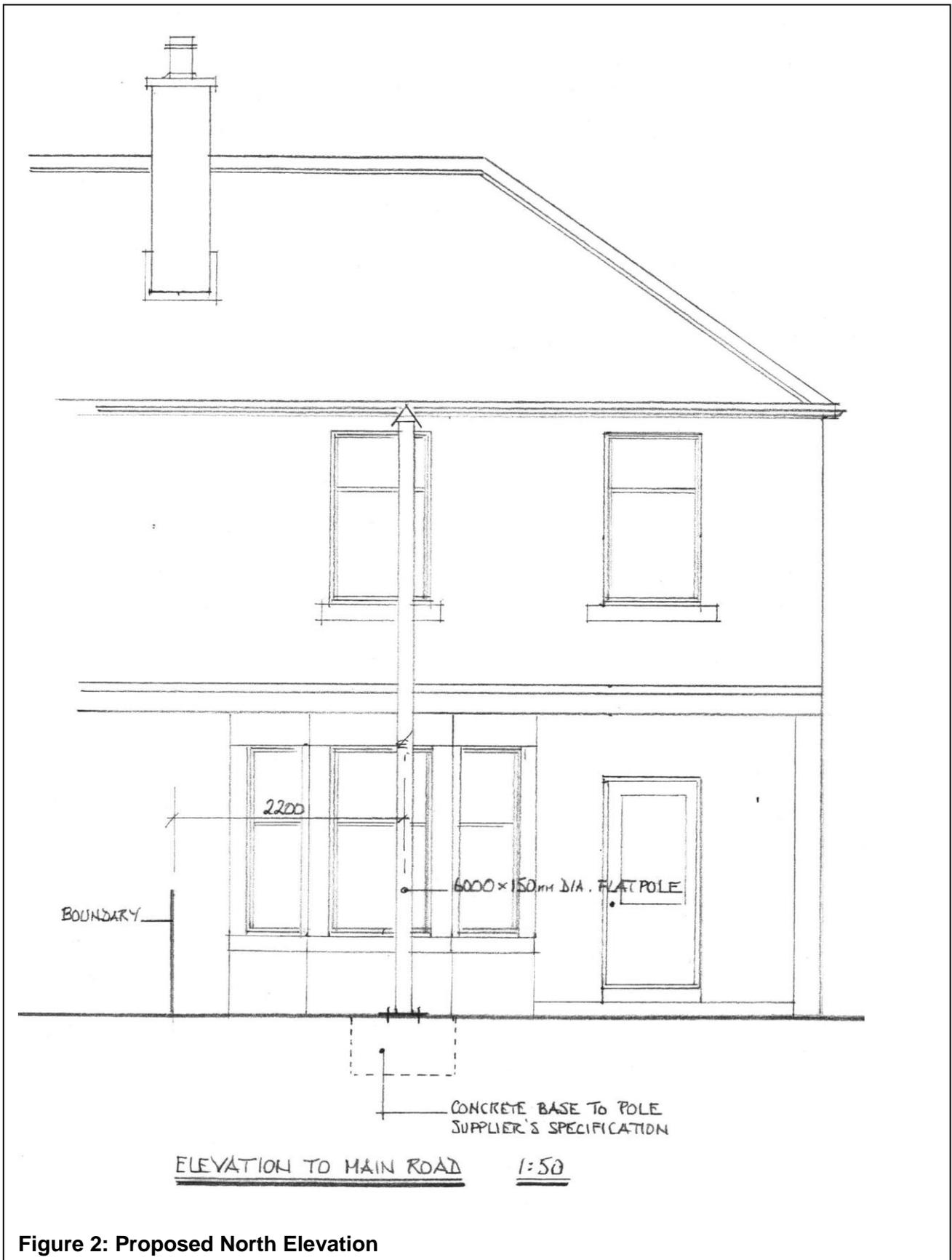


Figure 2: Proposed North Elevation

2 SITE DESCRIPTION

- 2.1 The application site is a two storey semi-detached house located on the south side of Navarre Street.
- 2.2 The property is set back from Navarre Street with a small front garden bound by a low boundary wall to the north (front) elevation of the property. A pair of black metal gates provide access to a driveway that runs along the side of the house leading to a detached garage at the rear. The front door to the house is on the north (front) elevation and there is an area of private garden ground on the south (rear) elevation.
- 2.3 A street lighting column is situated on the footway immediately outside the application site, in line with the boundary between No 19 Navarre Street and the adjoining semi-detached property at no. 21 Navarre Street. The street light column is 6 metres in height.



Figure 3: Site Photograph

3 POLICY BACKGROUND

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

TAYPlan 2016 – 2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 11: Householder Development

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 The Council were made aware that a flagpole had been erected at 19 Navarre Street without planning permission having been granted. Following discussions between the Council and the site owner the flagpole was subsequently removed and a planning application for the erection of a flagpole was submitted.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 8 objections have been received including one from Broughty Ferry Community Council raising the following valid material grounds:

- noise disturbance;
- conflicts with the Householder Development Supplementary Guidance;
- adverse visual impact on character of streetscene;
- height of proposed flagpole;
- loss of light and overshadowing;
- overlooking;
- precedent may be created;
- detrimental impact on the safety of pedestrians and road users; and
- the operation of a nearby street light would be affected at night.

5.3 Concerns were also raised in relation to concerns that children could climb the flagpole; the flagpole could be a target for children to throw litter at; that the intended use of the flagpole could result in a flag being raised in the early hours of the morning and that this and an accompanying bugle call could cause noise issues. However, these are not valid material planning considerations.

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

6 CONSULTATIONS

- 6.1 The Head of Community Safety and Protection has been consulted and no objection to the application.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

TAYPLAN 2016 – 2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.2 **Policy 11: Householder Development** - the policy states that householder development will be supported where it:
- 1 does not have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials;
 - 2 does not result in a significant loss of private/useable garden ground;
 - 3 does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and
 - 4 does not have a detrimental impact on the existing level of parking provision.
- 7.3 The preamble to Policy 11 also states that householder developments should adhere to the guidance contained within the Dundee Local Development Plan Householder Development Supplementary Guidance.
- 7.4 In respect of Policy 11, the proposal is assessed against the four criteria as follows:
- 7.5 1 - the key issue is the potential impact on the character and environmental quality of the house and the surrounding area by virtue of the height and appearance of the proposed flagpole.
- 7.6 The proposed flagpole will be of slim-line construction with little ornamentation to the finial or base and its use will be limited to the flying of a national flag only. Although flagpoles are not a common feature of residential streets, the presence of the flagpole and the flying of a flag

are not considered to detract from the residential surroundings of the application property to a point where the proposal should be regarded as being unacceptable. At 6 metres in height the flagpole is the same height as the street lighting column immediately adjacent to the application site. It is not considered that at 6 metres in height the pole would appear visually intrusive to an extent which would have a significant detrimental impact on the character of the street. The location, size and design of the proposed flagpole are acceptable and there would be no significant adverse visual impact or other amenity issues

- 7.7 The proposed flagpole is not considered to have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials.
- 7.8 2 and 4 - the proposed flagpole has a small foundation and will only remove a small area of the front garden, therefore there will be no loss of private/useable garden ground or parking provision.
- 7.9 3 - the houses within the vicinity of the application site will have views of the proposed flagpole. However, any views are generally limited to the most immediate neighbouring properties and those across the street. Although 6 metres high, the flagpole will be of slim-line construction and this combined with the angle of view and separation distances will prevent it from having an unacceptable visual intrusion. It will not result in any overshadowing or overlooking to neighbouring properties.
- 7.10 The proposed flagpole does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 7.11 The proposal therefore complies with the requirements of all four criteria of Policy 11.
- 7.12 **The proposal is in accordance with Policy 11.**
- 7.13 **For similar reasons to those set out in the assessment above, the proposal also complies with the Dundee Local Development Plan Householder Development - Advice and Best Practice Supplementary Guidance.**
- 7.14 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A – Representations

- 7.15 8 objections have been received raising the following valid material grounds:
- noise disturbance;
 - conflicts with the Householder Development Supplementary Guidance;
 - adverse visual impact on character of streetscene;
 - height of proposed flagpole;
 - loss of light and overshadowing;
 - overlooking;

- precedent may be created;
- detrimental impact on the safety of pedestrians and road users;
- that political flags could be flown; and
- the operation of a nearby street light would be affected at night.

7.16 The grounds of objection are considered and assessed as follows:

7.17 **Objection:** Noise disturbance. Concerns are raised over the potential noise nuisance from the flagpole arising from the flapping of the flag and its ropes.

7.18 **Response:** no objections have been received from the Council's Environmental Health Service with regard to this matter. The planning application is for the erection of a flagpole. The flying of a national flag does not require planning permission. As a result noise arising from the flapping of a flag or ropes is not a matter that can be controlled through the planning system. Should noise become a nuisance this could be controlled by relevant environmental legislation with mitigation measures to reduce/silence noise.

7.19 **Objection:** conflicts with the Householder Development Supplementary Guidance as it does nothing to complement the existing character of the area. It creates a sight barrier that interrupts the consistent feature in the street.

7.20 **Response:** this point is discussed earlier in this section of the report where it was concluded that the proposal complies with the Dundee Local Development Plan Householder Development Supplementary Guidance. The flagpole is set back from the footway in a position where it will not block views along the street.

7.21 **Objection:** the development would have an adverse visual impact on character of streetscene.

7.22 **Response:** this point is discussed earlier in this section of the report where it was concluded that the proposed flagpole is not considered to have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials.

7.23 **Objection:** the height of the proposed flagpole will interrupt the consistent feature of the street.

7.24 **Response:** the proposed height of the flagpole is 6 metres. The adjacent street lighting column is also 6 metres in height. This is considered to be an appropriate height for a flagpole in a residential area.

7.25 **Objection:** the development would result in a loss of light, overshadowing and overlooking.

7.26 **Response:** this point is discussed earlier in this section of the report where it was concluded that the proposed flagpole does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

7.27 **Objection:** permitting this flagpole would set a precedent which could result in many more flagpoles being erected.

7.28 **Response:** planning permission is required for the erection of a flagpole. A planning application would be considered on a case by case basis for compliance with the Development

Plan and any material considerations. Therefore approving this application would not set a precedent for any future planning applications.

- 7.29 **Objection:** the flagpole would have a detrimental impact on the safety of pedestrians and road users and it would be a safety hazard in high winds.
- 7.30 **Response:** The flagpole would be sited 2.6 metres from the north boundary that fronts onto Navarre Street. In this position it would not cause a distraction to road users or impact on the safety of pedestrians. The likelihood of the pole falling down in high winds is not a material planning consideration.
- 7.31 **Objection:** that the flagpole could be used to fly political flags and these could cause a distraction to drivers.
- 7.32 **Response:** the planning and advertisement regulations allow a national flag to be flown on a flagpole but the flying of all other types of flag would need a separate advertisement consent. The advertisement regulations define an advertisement (which can include the content of flags) quite widely, to include any “word, letter, model, sign, device or representation employed wholly or partly for the purposes of advertisement, announcement, or direction”. It is recommended that an informative is added to the decision notice to advise the applicant that only national flags can be flown from the flagpole.
- 7.33 **Objection:** the development would affect the operation of a nearby street light at night.
- 7.34 **Response:** the flagpole would be sited 2.6 metres from the north boundary that fronts onto Navarre Street. In this position it will not affect the operation of the street lighting column on the adjacent footway.
- 7.35 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 planning permission.
- 7.36 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 **The application for the erection of a flagpole is in accordance with the development plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore it is recommended that planning permission be granted.**

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED.

9.2 **Informative**

It should be noted that the flying of flags is limited to the national flag of any country. The use of the flagpole for the flying of flags displaying advertisements or other symbols or devices would require separate advertisement consent.