

FALKIRK COUNCIL

Subject: **DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS
(RETROSPECTIVE) AT 84 HIGH STATION ROAD, FALKIRK
FK1 5QX FOR REGENCY RACING – P/14/0009/ADV**

Meeting: **PLANNING COMMITTEE**

Date: **26 March 2014**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**

Depute Provost John Patrick
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie

Community Council: **No Community Council**

Case Officer: **Allan Finlayson, (Senior Planning Officer) Ext. 4706**

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 26 February 2014 (copy of previous report appended) when it was agreed to continue the application for a site visit. This took place on 10 March 2014.
2. The case officer summarised the proposed development to the Planning Committee and referred to the salient points of assessment as set out in the Committee report.
3. The applicant spoke in support of the proposal, stating that the advertisements were no larger than others at alternative locations in the Falkirk Council area. In addition it was stated that the unauthorised adverts replaced signage that had occupied the same position since the 1980's.
4. Members of the Planning Committee raised questions relating to the number of accidents that had occurred in proximity to the site since the advertisements had been displayed, the type of advertisements that were formerly displayed at the site and whether there was the potential for the unauthorised advertisements to establish a precedent for further unauthorised signage. Comment was also made in relation to the amount of wording contained on the unauthorised signage.
5. The Roads Development Unit has subsequently confirmed that no accidents have occurred since the display of the unauthorised advertisements. It is considered however that the 5 previous accidents at the site within the last 10 years identify a continued risk of accidents occurring at busy road junctions and pedestrian crossing points surrounding the site.

6. The site meeting was also attended by Depute Provost John Patrick as a Local Member who advised that he had not received complaints regarding the signage but confirmed that he was not aware of signage of this size and detailed information having been displayed prior to the display of the unauthorised signage under consideration. Depute Provost Patrick expressed concern with regard to the size of signage, the amount of text information and in particular the sign displayed onto Gartcows Road and the potential for driver distraction on the approach to a pedestrian crossing point. Depute Provost Patrick considered that the unauthorised signage should be removed and a new application for advertisement consent submitted for consideration by the Planning Committee.
7. No matters were raised which would amend the original recommendation to refuse advertisement consent.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee refuse advertisement consent for the following reasons:-

- (1) The proposal is contrary to Policy EQ10 – Advertisements of the Falkirk Council Local Plan and Policy DO5 – Advertisements within the Falkirk Local Development Plan (Proposed Plan) as they, by means of size, detail and location, result in visual clutter and a distraction to road users in the immediate proximity to a busy road junction and pedestrian crossing point. The advertisements are not therefore in the interests of road safety.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.

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Director of Development Services

Date: 14 March 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan (Proposed Plan).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is a betting office at 84 High Station Road, Falkirk. The premises comprise a single storey building located at the corner of High Station Road and Gartcows Road, Falkirk.
- 1.2 The application under consideration seeks retrospective advertisement consent for the erection of two unauthorised advertisement panel signs. One panel sign (Sign 1 2970 x 2835mm) has been erected on the north east building elevation visible from High Station Road and Gartcows Road. Another panel sign (Sign 2 4955 x 1860mm) has been erected on the north west elevation facing directly onto Gartcows Road.
- 1.3 The site at 84 High Station Road is surrounded to the north and west by housing, to the east by a small public car park and to the south by a commercial car garage and valet use.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor Chalmers.

3. SITE HISTORY

- 3.1 Planning permission 06/1190/FUL was granted on 1 March 2007 for the Change of Use of Shop (Class 1) to Betting Office (Class 2) and Alterations to Property.
- 3.2 The erection of advertisement signs was subject to an enforcement enquiry in July 2013. The applicant was advised that the erected signs were unauthorised. The current application has been submitted seeking to regularise the unauthorised signage.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the size of the erected signage and the level of detailed information displayed represents a distraction to drivers in the proximity of the busy junction of Gartcows Road and High Station Road and in immediate proximity to a controlled pedestrian crossing point.
- 4.2 The Roads Development Unit has advised that the recorded road accident statistics for the immediate area confirm a total of 5 accidents within the last 10 years. This comprised 4 slight accidents and 1 serious accident.
- 4.3 The Roads Development Unit has advised that the erected signs result in visual clutter at a busy junction, distract driver attention and that granting advertisement consent for the signs in their current form is not in the best interests of road safety.

5. COMMUNITY COUNCIL

- 5.1 No Community Council exists for this area.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation have been received.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EQ10 – ‘Advertisements’ states:

“Proposals for advertisements will not be permitted where they would have an adverse effect on the visual amenity of the property or the wider area, or would create a road safety hazard. In particular:

- (1) the prevention of advertising clutter through a proliferation of signs on a property or in a locality will be a priority;*
- (2) advertising should be sensitive to the property on which it is mounted in terms of scale, design and positioning, and should be seen as part of the overall design of the property, rather than an add-on;*
- (3) illumination of adverts will be controlled in the interests of amenity and road safety, and will generally be prohibited outwith the Urban Limit.*
- (4) advance directional signs will not generally be permitted unless the display is considered to be in the public interest;*
- (5) advertising boardings and rotating/moving advertisements will not be permitted where:*
 - they will prejudice the area enhancement priorities set out in Policy EQ7 by virtue of visual intrusion;*
 - they will compromise residential amenity; or*
 - they are likely to cause driver distraction, or interfere with visibility at conflict points such as junctions, pedestrian crossings, hazard warning signs, low bridges and sections of road with poor forward visibility.”*

7a.3 The erected advertisements are considered to result in visual clutter and an unnecessary proliferation of signs. The advertisements are considered to be unnecessarily large and unrelated to the building design of 84 High Station Road by means of being added on to all available elevations. The erected advertisements are considered likely to cause drivers distraction in proximity to the busy junction at Gartcows Road and High Station Road and in proximity to a controlled pedestrian crossing on Gartcows Road. The erection of advertisements of the proposed size and complexity of displayed information at this location is not considered to be in the best interests of road safety.

7a.4 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan (Proposed Plan), Roads Development Unit consultation response and site history.

Falkirk Local Development Plan (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council’s views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policy DO5 'Advertisements' reinforces policy EQ10 of the extant Development Plan. The application is therefore considered to be contrary to the emerging Falkirk Local Development Plan (Proposed Plan).

Additional Planning Considerations

- 7b.4 The Roads Development Unit has expressed concern with regard to driver distraction resulting from the size of the erected signage and the level of text and detail displayed.
- 7b.5 The application site is located immediately adjacent to the busy junction of High Station Road/Gartcows Road and to the pedestrian crossing on Gartcows Road. Given the site location the views of the Roads Development Unit are considered to be a strong material consideration in the assessment of the acceptability of the proposal.
- 7b.6 In July and August of 2013 the applicant was advised that the erected signage was unauthorised. A number of options were presented to the applicant with the intention of addressing the concerns of the Roads Development Unit and agreeing alternative signage.
- 7b.7 In respect of the above the applicant was advised to reduce the dimensions of Signs 1 and 2 by approximately one third of the sign area. The suggested signage reduction would have retained the business name but removed some ancillary details. The signage, if amended, was considered to address the concerns of the Roads Development Unit. The applicant has declined to alter the original signage.

7c Conclusion

- 7c.1 The size of the erected signage, the level of detail displayed and the signage position in immediate proximity to the busy junction of High Station Road/Gartcows Road and controlled crossing point on Gartcows Road are considered unacceptable on the basis of the likely potential for driver distraction. The erected signage is therefore considered to result in an unnecessary danger to road safety. For these reasons the advertisements are considered to be contrary to the extant Falkirk Council Local Plan and emerging Falkirk Local Development Plan (Proposed Plan).
- 7c.2 There are no material considerations which are considered to outweigh the terms of the Development Plan.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee refuse advertisement consent for the following reasons:-

- (1) The proposal is contrary to Policy EQ10 – Advertisements of the Falkirk Council Local Plan and Policy DO5 – Advertisements within the Falkirk Local Development Plan (Proposed Plan) as they, by means of size, detail and location, result in visual clutter and a distraction to road users in the immediate proximity to a busy road junction and pedestrian crossing point. The advertisements are not therefore in the interests of road safety.**

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Director of Development Services

Date: 14 February 2014

LIST OF BACKGROUND PAPERS

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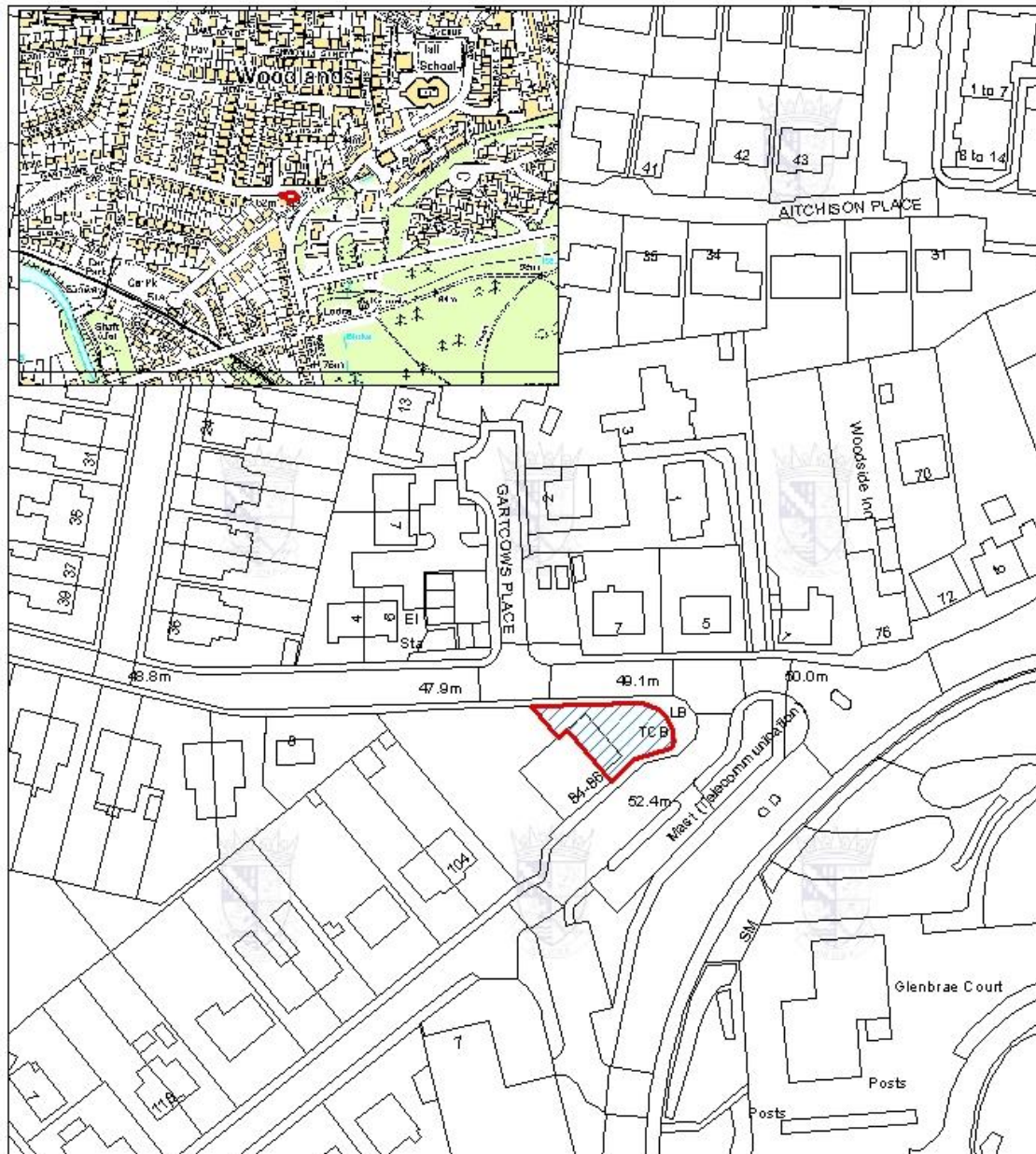
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0009/ADV

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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