

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 3 September 2013

**BY:** Depute Chief Executive  
(Partnership and Services for Communities)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **13/00461/ADV**

Proposal Display of advertisements (Retrospective)

Location **26 Victoria Road  
North Berwick  
East Lothian  
EH39 4JL**

Applicant Mr S Stewart and Mr C Cockburn

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

#### PLANNING ASSESSMENT

On 11 January 2012 planning permission 11/00064/P was granted for the change of use of the former coastguard station building at 26 Victoria Road, North Berwick to use as a restaurant and takeaway. Planning permission was also granted for an external decked seating area, for the installation of vents and a flue on the building, and for the addition of a bin store to its north elevation wall.

There has been a commencement of use of the building as a restaurant and takeaway so approved (under the trading name of 'The Rocketeer') and therefore that is now the authorised use of the building.

The building is on the east side of Victoria Road, close to the junction of Victoria Road with Melbourne Road. It is within a mixed use area of North Berwick as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is also within the North Berwick Conservation Area.

The building is detached and single storey in height. It has a narrow strip of ground all around it, the edges of which are enclosed by a low stone boundary wall.

On 19th October 2012 application for advertisement consent in retrospect 12/00522/ADV was refused for two non-illuminated timber panel signs that were being displayed on the outside of the building of 'The Rocketeer' at 26 Victoria Road. The

reason for refusal was that "By their size and form the signs, including the brackets of them are visually prominent, intrusive and incongruous advertisement displays on the building harmful to the amenity of the area, including the special architectural and historic character of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church and the Category B listed Old Parish Church Porch".

The decision to refuse advertisement consent 12/00522/ADV was subsequently appealed to the Scottish Ministers (Ref: ADA-210-21) and the appeal was allowed on 28th March 2013 on the grounds that: the proposed two sign boards attached to this stand alone business premises would be no more detrimental to amenity compared with individual letters attached to the building; would not be excessive or so large as to be visually harmful; and the sign boards themselves would not have a detrimental impact on the character of the conservation area or the setting of the adjacent listed building and scheduled monument. In conclusion, the Reporter found that the sign boards would be visually appropriate and sympathetic to the building and its context. The two sign boards are now being displayed on the building.

On 21st December 2012 application for advertisement consent in retrospect 12/00737/ADV was refused for the display of:

- (i) a panel sign on the west gable wall of the building;
- (ii) four signs on the boundary walls enclosing the edges of the narrow strips of land around the building;
- (iii) a free-standing 'A' frame sign; and
- (iv) two licensing and ID signs displayed on the southern side of the maitre'd station on the west elevation wall of the building of 'The Rocketeer' at 26 Victoria Road.

The reasons for refusal were that:

- (1) The advertisements in the form of the five panel type signs and the two licensing and ID signs amount to unsightly obtrusive advertisement clutter harmful to the amenity of the area, including the special architectural and historic character of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church and the Category B listed Old Parish Church Porch; and
- (2) The continuing display of the freestanding 'A' board sign would set an undesirable precedent for the display of further such advertisements of this type on the footpaths of Victoria Road and other parts of Anchor Green that would create unsightly advertisement clutter that would be harmful to the amenity of the area and by its positioning on a footpath it is likely to cause an obstruction to users of the footpath and as such is a public safety hazard.

The decision to refuse advertisement consent 12/00737/ADV was subsequently appealed to the Scottish Ministers (Ref: ADA-210-22). That appeal was dismissed on 3rd June 2013 on the grounds that the level of signage proposed in the application was excessive to the extent that it would create unnecessary advertisement clutter and as a result would appear unsympathetic to the building and visually harmful to the conservation area in general. The Reporter concluded that the signage would be contrary to the interests of amenity and would neither enhance nor preserve the character or appearance of the conservation area.

Advertisement consent is now being sought in retrospect for the display of a portable panel type sign on each of the south and west boundary walls enclosing the edges of the narrow strips of land around the building and the display on the land to the west of the west boundary wall of a free-standing 'A' frame sign.

Each of the portable panel type signs being displayed on the south and west boundary walls enclosing the edges of the narrow strips of land around the building is essentially comprised of two menu boards, each some 900mm high by 700mm wide and of an overall size of 900mm high by 1.4 metres wide. Their attachment to the boundary walls is by black metal brackets that hook over the top of the walls. Each of the signs is constructed of aluminium with a black frame surround and the graphics of them are printed onto vinyl attached to the aluminium. The lettering of each of the signs is black and red on a white background.

The free-standing 'A' frame sign is being displayed in a position on the narrow footpath that is to the west of the boundary wall enclosing the narrow strip of land on the west side of the building, between that boundary wall and the public road of Victoria Road. It comprises of two black chalkboards with handwritten white lettering on them that reads "ROCKETEER RESTAURANT", "SIT OUT OR TAKEAWAY", "FOOD AND DRINK AVAILABLE". Each chalkboard measures some 900mm high by some 600mm wide.

The advertisements are not illuminated and no form of illumination is proposed.

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety. When exercising such powers a planning authority shall in the interests of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of the locality the authority may disregard any advertisements being displayed therein.

Policy DP10 (Advertisements) of the adopted East Lothian Local Plan 2008 is a plan wide policy that sets standards for the control of the display of advertisements within East Lothian. Due to the limits of the exercise of powers of control of advertisements set by the Control of Advertisements (Scotland) Regulations 1984, Policy DP10 cannot be the determining factor in the case of an application for advertisement consent. It is nevertheless a basis for the consideration of whether or not a proposed advertisement would be harmful to amenity or public safety.

Two public representations to the application have been received. They are both from the same neighbouring property and raise objections to the application on the grounds that:

- i. the signs have a detrimental impact on the Conservation Area;
- ii. the signs are unsympathetic to the building and visually harmful to the Conservation Area;
- iii. the signs have already been refused and the applicant has not changed their design, content or appearance prior to resubmitting this current application; and
- iv. the signs are inappropriate to the historic area.

The Council's Transportation service has no objections to the two portable panel type signs on the stone boundary walls that enclose the edges of the narrow strips of land around the building. By their form and their positions they do not constitute a hazard to road or other public safety.

The premises are within the North Berwick Conservation Area. Policy DP10 of the adopted East Lothian Local Plan 2008 states that within conservation areas advertisements will only be approved where their design, materials, positioning and detail are sympathetic to the character of the building on which they are to be displayed and the surrounding area. Fascia boards will only be permitted if they are an integral part of the design of the shopfront or building.

The premises occupy a prominent position in the streetscape on the east side of Victoria Road, close to the junction of Victoria Road with Melbourne Road. The building is of a simple rectangular form and is of a traditional vernacular design that contributes to the special character and appearance of the Conservation Area.

Although the two portable panel signs being displayed on the south and west boundary walls enclosing the edges of the narrow strips of land around the building are not fascia board signs they are clearly of a board type. The stone boundary walls are not designed to have such board type signs displayed on them in any integral way. Furthermore, each of these two board type signs are of aluminium construction with metal framing and are relatively large in comparison with the size of the boundary walls. The stone boundary walls enclosing the edges of the narrow strips of land around the building are only some 1.2 metres in height and the portable board type signs by their height of some 900mm effectively bisect the boundary walls, allowing little of the stonework of the walls to be read and appreciated above and below the top and bottom edges of each of the signs.

In their positions displayed on the south and west boundary walls enclosing the edges of the narrow strips of land around the building, the two portable board type signs are readily visible in public views from Victoria Road to the west, Melbourne Road to the south and from Anchor Green to the south and west of the premises.

Although the number of signs is less than that of refused advertisement consent application 12/00737/ADV, nonetheless the two portable board type signs now displayed together and alongside the timber panel signs previously approved for the east and south elevation walls of the building, appear as obtrusive and unnecessary advertisement clutter not in keeping with the architectural character and appearance of the building and its stone boundary walls. As a result they appear unsympathetic and not in keeping with the architectural and historic character of the building and are harmful to the amenity of the area, including the special architectural and historic character of the Conservation Area, the setting of Anchor Green and the setting of the scheduled monument of St Andrews Church and the Category B listed Old Parish Church Porch.

In that the advertisements in the form of the two portable board type signs amount to unsightly obtrusive advertisement clutter harmful to the amenity of the area they conflict with the guidance for the control of advertisements in conservation areas given in Policy DP10 of the adopted East Lothian Local Plan 2008.

The 'A' frame sign is freestanding and in its position on the footpath to the west side of the premises it is readily visible from Victoria Road and Anchor Green. Its continuing display would set an undesirable precedent for the display of further such advertisements of this type on the footpaths of Victoria Road and other parts of Anchor Green that would create unsightly advertisement clutter that would be harmful to the amenity of the area.

The Council's Transportation service advises that in being freestanding and positioned on a footpath the 'A' frame sign is likely to cause an obstruction to users of the footpath and as such is a public safety hazard.

In that it could lead to unsightly advertisement clutter harmful to the amenity of the area the freestanding 'A' frame sign conflicts with the guidance for the control of advertisements in conservation areas given in Policy DP10 of the adopted East Lothian Local Plan 2008.

## RECOMMENDATION

It is recommended that:

1. Advertisement consent be refused retrospectively for the display of the signs for the undernoted reasons.

2. Authorisation be given for the taking of enforcement action to secure the removal of the two unauthorised portable board type signs and their brackets and the freestanding 'A' frame sign if they have not already been removed from the surrounds of the building within 1 month of the date of the decision notice for this application, with the period for compliance with the enforcement notice being one month.

- 1 The advertisements in the form of the two portable board type signs, by virtue of their size, form, positioning and external finish and their number, amount to unsightly obtrusive advertisement clutter harmful to the amenity of the area, including the special architectural and historic character of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church and the Category B listed Old Parish Church Porch.
- 2 The continuing display of the freestanding 'A' board sign would set an undesirable precedent for the display of further such advertisements of this type on the footpaths of Victoria Road and other parts of Anchor Green that would create unsightly advertisement clutter that would be harmful to the amenity of the area and by its positioning on a footpath it is likely to cause an obstruction to users of the footpath and as such is a public safety hazard.