

Report

Report to:	Planning Committee
Date of Meeting:	8 June 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0074
Planning proposal:	Installation and display of LED panel display on retail unit (retrospective)

1 Summary application information

Application type:	Advertisement application
Applicant:	Mr Wilson Rae
Location:	30 West Port Lanark ML11 9HE

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant advertisement consent (subject to conditions) based on conditions attached.

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: Michelle Armitage
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Development Plan 2 (2021)**
Policy 2: Climate change
Policy 3: General urban areas and settlements
Policy 5: Development management and placemaking
Policy 14: Natural and historic environment
Policy DM10: Advertisement Displays

◆ Representation(s):

▶	7	Objection Letters
▶	6	Support Letters
▶	0	Comment Letter

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The report relates to the installation of an illuminated advertising panel that has been displayed on the fascia of a convenience store at 30 West Port, Lanark. The convenience store, KeyStore More, is a single storey flat roof building that sits immediately adjacent to a petrol filling station forecourt which is available 24 hours via unmanned pumps. The two businesses share the same vehicular access and exit from the site. The site sits parallel to the A73 which is the main road through the town leading to Lanark Town centre. The site is bounded by trees to the north and houses to the east, west and south (on the opposite side of the A73). The surrounding area is predominantly residential in nature. The application site sits immediately outwith Lanark Conservation Area.

2 Proposal(s)

- 2.1 The application seeks retrospective advertisement consent for the installation and display of an illuminated advertising panel. The panel is installed on the fascia of the convenience store facing onto the petrol station forecourt and south-west along the A73. LED lighting is incorporated into the black aluminium panel enabling the display of different and alternating adverts. It measures 3 metres wide, 1 metre in height and has a depth of 0.18 metres.
- 2.2 A report on this application was presented to the Planning Committee on 11 May 2021 with a recommendation to grant consent. Committee resolved to defer a decision on the application to allow for further information to be submitted to consider the luminance levels proposed in one of the suggested conditions and ensure these would be controlled.

3 Background

3.1 Local Development Plan Status

- 3.1.1 The application site is on land identified as general urban within the adopted South Lanarkshire Local Development Plan2 (SLLDP2) and the proposal should be assessed against the following policies:

- ◆ Policy 2: Climate change
- ◆ Policy 3: General urban areas and settlements
- ◆ Policy 5: Development management and placemaking
- ◆ Policy 14: Natural and historic environment
- ◆ Policy DM10: Advertisement Displays

3.2 Planning History

- 3.2.1 Retrospective planning permission and advertising consent was sought for the installation of an ATM and illuminated surround on the external wall of the convenience store, located adjacent to the petrol station at 30 West Port, Lanark. (Planning Reference P/20/0257 and P/20/0258). Both applications were approved in July 2020.
- 3.2.2 An application to vary condition 2 of planning consent CL/11/0479 to extend the opening hours of the convenience store to 24 hours Monday to Sunday (Planning Reference CL/17/0193) was refused in July 2017. A subsequent application to vary condition No.2 of planning consent CL/11/0479 to extend the opening hours of the convenience store to Monday to Friday 05:00 - 23:00, Saturday 06:00 - 23:00 and Sunday 07:00 - 23:00 was approved in January 2019 (Planning Reference CL/18/0025).

4. Consultations

- 4.1 **Roads and Transportation Services** – have no objections to the proposal.
Response: Noted.
- 4.2 **Environmental Services** – have no objections to the proposal subject to the following conditions:

- The maximum permitted luminance of the display shall be 600 cd/m² during daylight and 300 cd/m² during low light.
- The proposed display must not cause light nuisance to any existing residential properties.
- If the display is confirmed by the Council to have a negative impact on any individual residential property then it must be switched off between the hours of 8pm and 8am.

The conditioned limits are sourced from the Institute of Lighting Professionals Professional Lighting Guide, with these limits being typical for a relatively suburban environment.

Response: Noted. If planning permission is granted conditions to reflect the above would be added to the decision notice.

5 Representation(s)

5.1 Neighbour notification is not required to be carried out on applications for advertisement consent. Nevertheless 7 letters of objection and 6 letters of support were received.

5.2 The grounds of representation can be summarised as follows:-

a) Neighbour notifications letter were not received.

Response: Neighbour notification is not a statutory requirement for advertisement consent, therefore, such letters were not issued.

b) The panel faces onto nearby residential properties.

Response: Although located within a predominantly residential area, the panel does not directly face onto any houses.

c) The advertisement is very distracting to road users, drawing the attention of drivers and cyclists away from pedestrians and vehicles on a busy and congested road. It is an unsafe and unacceptable hazard.

Response: Roads and Transportation Services have been consulted and did not object to the proposal. They have no concerns regarding the impact of the advertising panel on public safety.

d) The display is an incongruous addition and is detrimental to the established character of the neighbourhood. It is entirely inappropriate for what is an established residential area.

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

e) The advertisement operates for 24 hours a day. The projecting light and flashing causes unacceptable intrusion. It is a general nuisance throughout the day and disturbs my sleep at night.

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

f) The prominence of the flashing becomes more intense in late afternoon and evening when dark outside.

Response: Noted. The design and impact of the proposal is considered in the assessment and conclusion section below.

- g) We question the requirement for a flashing advertisement in an area where such displays do not usually feature.**

Response: The lack of applications to display similar advertisement panels elsewhere is not a material consideration.

- h) This type of advertising panel should only display adverts related to items sold within the premises it is installed.**

Response: Planning legislation and guidance does not seek to control what is advertised on a sign.

- i) The shop is located very close to a conservation area and listed buildings.**

Response: The application poses no harm to the special architectural or historic interest of nearby listed buildings or conservation area.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 Retrospective advertisement consent is sought for the installation of an illuminated panel that has been displayed on the fascia of petrol station convenience store at 30 West Port, Lanark. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the South Lanarkshire Local Development Plan 2 (SLLDP2). In determining the acceptability of an advertisement display, each case will be assessed against its impact on amenity and public safety as stated in The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

6.2 In the South Lanarkshire Local Development Plan 2 (2021), the application site is designated as being within a general urban area within which Policy 3 advises developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Developments particularly 'bad neighbour' uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area, proposed servicing and parking arrangements and, where appropriate, an assessment of the contribution of the proposal to meet an identified local need.

6.3 Policy 2 - Climate change of SLLDP2 requires new development where possible to seek to minimise and mitigate against the effects of climate change. The retrospective proposal relates to a small sign attached to an existing building and therefore does not raise any issues in respect of this policy. It is, therefore, considered to be in accordance with this policy.

6.4 Policy 5 of SLLDP2 - Development management and placemaking of SLLDP2 states that proposals should be well designed and integrated with the local area. New development should have no unacceptable significant adverse impacts on the local community and the environment. This advice is supported within Development Management, Placemaking and Design (Volume 2) under Policy DM10 – Advertisement Displays. This states an advertisement should have no adverse impact on the general character of the area; it should be of an appropriate size, scale, position, design and material; it should have no adverse impact on the amenity of nearby residents by virtue of light or noise pollution; and have no adverse impact on public safety by virtue of causing distraction, confusion, or creating a hazard to pedestrians, cyclists or drivers.

- 6.5 Policy 14 - Natural and Historic Environment of SLLDP2 provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.6 The advertising panel is visible on approach to the site when travelling east along the A73. Its size and scale are proportionate to the convenience store to which it is attached. The panel's design and material, including the LED lighting, is appropriate for the convenience store's commercial setting. In terms of visual impact, it does not over-dominate its immediate context nor the wider residential streetscape. As the proposal does not detrimentally affect the general character of the area, its impact on visual amenity is, therefore, considered acceptable.
- 6.7 Digital advertising has the potential to impact public safety by virtue of causing distraction, confusion or creating a hazard to pedestrians, cyclists, or drivers. Taking this into consideration, Roads and Transportation Services were consulted on the retrospective application and provided no objections to the proposal. The effect of the advertising panel, including its alternating and illuminated content, therefore, does not give rise to an adverse impact on public safety.
- 6.8 The panel is installed on the fascia of the convenience store and faces onto the petrol station forecourt and south-west along the A73. Its position does not directly face towards any residential properties on the opposite side of the A73. In addition, there are existing trees in the front gardens of these properties which screen the houses from the surrounding area. Concerns regarding the level of luminance permeating into nearby homes from the panel's LED lighting have been raised previously with the Council. In response, the Night Time Team from Environmental Services investigated in September 2020 by visiting a property opposite the shop. It was determined that the level of light from the display did not constitute a Statutory Nuisance (as with curtains drawn and / or blinds closed the light did not interfere with the enjoyment of the living room or bedrooms).
- 6.9 At this time the panel did not utilise a light sensor to control its brightness likely explaining the lighting levels then experienced by local residents. The applicant has since installed a light sensor to the panel to control its brightness according to the ambient light conditions and to ensure the brightness does not exceed the threshold values suggested by Environmental Services. The luminance thresholds (600 cd/m² during daylight and 300 cd/m² during low light) are set remotely using a photo electric cell and is controlled remotely by the signage provider. The applicant will not be able to adjust the luminance without coding being provided by the agent. Scanlite operates this approach to ensure clients cannot adjust the brightness of their own displays which may contradict planning consent. In addition, they have confirmed that between the hours of 10pm and 6am in summer the display will only show the time on a black background and that during winter months this will be amended from 9pm to 6am. Furthermore, the display will be dimmed to 200 cd/m² between the hours 6am – 8am and 8pm – 10pm. Given there is now a light sensor installed on the display, the level of brightness will be controlled. Provided the conditions are adhered to, the panel will have no significant adverse impact on the amenity of nearby resident by virtue of light pollution. The luminance will only be so bright as is necessary to be visible and legible over the ambient light conditions.
- 6.10 For the above reasons, it is therefore considered that the retrospective proposal is not contrary to Policies 2, 3, 5, 14 and DM10 of LDP2.
- 6.11 7 letters of objection were received in relation to this advertisement consent. It is not considered that the concerns raised, relating to visual amenity or public safety, justify refusal of the application. Concerns regarding residential amenity, specifically previous luminance experienced by nearby residents, have been addressed and explained above. The use of a light sensor on the advertising panel and the addition of planning conditions,

relating to the panel's brightness and any light nuisance that may arise, justifies the application's approval.

- 6.12 In conclusion, it is considered that the proposals comply with the adopted South Lanarkshire Local Development Plan 2 and, therefore, it is recommended that retrospective planning permission is granted.

7 Reason for Decision

- 7.1 The retrospective development is in accordance with Policies 2, 3, 5, 14 and DM10 of the South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 19 May 2021

Previous References

- ◆ P/20/0257
- ◆ P/20/0258
- ◆ CL/18/0025
- ◆ CL/17/0193
- ◆ Planning Committee – 11 May 2021

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Proposed South Lanarkshire Development Plan 2

- ▶ Consultations

Roads Development Management Team 28.01.2021

Environmental Services 26.03.2021

- ▶ Representations

Objections

Mr David Woodhams, 28 Westport Lanark ML11 9HD 27.01.2021

07.02.2021

26.02.2021

Marie and Ian Darroch, 47 Westport, Lanark ML11 9HE 25.02.2021

Mrs Rebecca McMorrow, 49 Westport Lanark ML11 9HE 03.02.2021

Mrs Moreen Cromwell, 6 Lake Avenue 6 Lake Avenue Lanark ML11 9BQ 02.02.2021

Shepherd and Wedderburn LLP on behalf of Marie and Ian Darroch 04.02.2021

Support

Mr Graeme Winning, 18 Woodlea Lanark ML11 9SY	22.02.2021
Mr Graeme McLeish, 37-39 Wellgate Lanark ML11 9DS	15.02.2021
Keystore More, 30 Westport Lanark ML11 9HE	16.02.2021
Mrs Kathryn Neil, 224 Queensferry Road Edinburgh EH4 2BN	16.02.2021
Mrs Jacqueline Glen, 15 Bannatyne Street Lanark ML11 7JY	16.02.2021
Mrs Ann Mackenzie, 40 Carnwath Road Forth Lanark ML11 8EY	17.02.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Holly Brown, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455656
Email: holly.brown@southlanarkshire.gov.uk

Conditions and reasons

1. The maximum permitted luminance of the display shall be 600 cd/m² during daylight and 300 cd/m² during low light.

Reason: To protect residential amenity.

2. At the reasonable request of the Planning Authority and following a complaint to it relating to light pollution from the signage hereby approved, the operator of the convenience store shall appoint an independent lighting consultant to measure the level of light at the affected property to which the complaint related. Where in the opinion of the Planning Authority, acting reasonably, it is found there is statutory light pollution the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval.

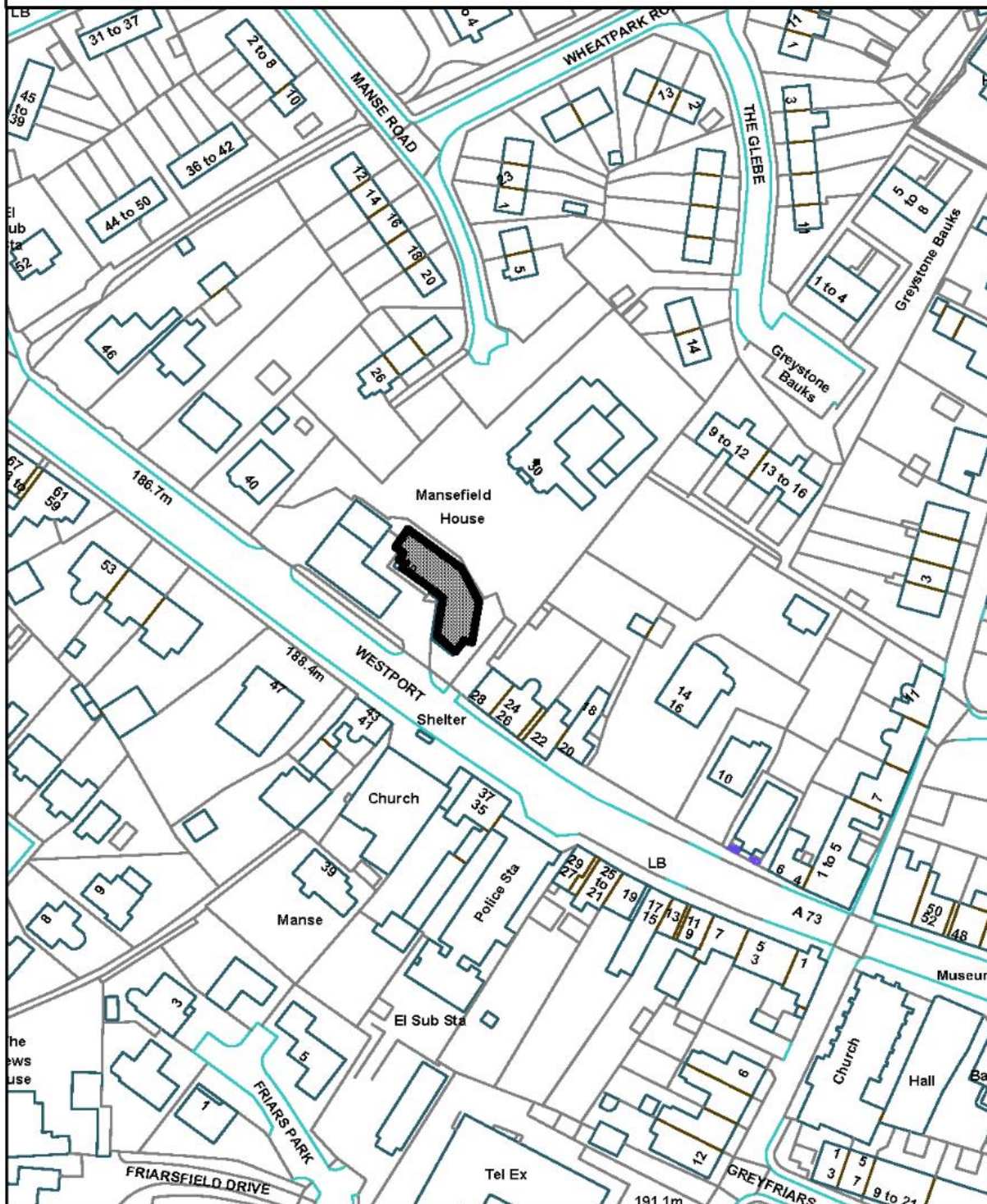
Reason: To protect residential amenity.

3. If the display is confirmed by the Council to have a negative impact on any individual residential property then it must be switched off between the hours of 8pm and 8am until the mitigation measures required by condition 2 above have been implemented.

Reason: To protect residential amenity.

P/21/0074

30 Westport, Lanark ML11 9HE



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Scale:
1:1,250
Date:
15/04/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development