

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Gerry Farrington, a Reporter appointed by the Scottish Ministers

- Advertisement consent appeal reference: PVADA\270\19
- Site address: North Lands Creative Glass, Quatre Bras, Lybster, Caithness, KW3 6BN
- Appeal by North Lands Creative Glass against the decision by Highland Council
- Application for advertisement consent dated 14 August 2007 (council ref: 07/00435/ADVCA) refused by notice dated 19 October 2007
- The proposed advertisement: a non-illuminated sign board measuring 1000mm high x 800mm wide, maximum height above ground level 1100mm
- Date of site visit by Reporter: 12 February 2008

Date of appeal decision: 22 February 2008

Decision

I allow the appeal and grant advertisement consent subject to the 3 conditions overleaf.

Reasoning

1. Regulation 4(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety. The council has not raised any issue of amenity and based on advice received from Transport Scotland has restricted its reasons for refusal to matters of public safety. Accordingly, I consider that the determining issue in this appeal is solely whether the display of the proposed sign would be contrary to the interests of public safety. The key questions are whether, as asserted in the reasons for refusal, a) the proposed sign would interfere with the visibility to the east of vehicles exiting the village road onto the A99, and b) whether it would result in increased distraction to trunk road users of A99 approaching the cross-roads junction.

2. At my site inspection I established that the location for the proposed sign is a grass verge separated by a tarmac footpath and kerb from the trunk road. It is not a forecourt of the appellant's business premises where the provisions for deemed advertisement consent might apply. I noted that a 40 mph speed restriction applies to the A99 as it passes road frontage development either side of the Quatre Bras crossroads.

3. Taking into account the speed of traffic, which I observed during my site visit, I am of the firm opinion that there should be no reduction in the visibility available of oncoming westbound trunk road traffic to drivers of vehicles emerging from the minor road. From observations and measurements taken on the site, I established that the sign located in the



most forward location indicated on the 1:500 scale location plan, i.e. two metres back from the edge of the kerb, would interfere with this essential sightline. Also, I formed the opinion that the sign in this position could attract the attention of drivers away from the adjacent twin pole mounted direction sign approaching the crossroads. However, I also established that if the sign were set back three metres from the edge of the kerb, which is still within the location indicated by a red line on the 1:500 scale location plan, there would be no obstruction of the existing sightline. Furthermore, the combination of an intervening gate pillar with projecting wing wall to the east of the pole mounted direction sign, a telegraph pole and the additional set back would prevent the sign distracting to any material extent the attention of drivers from either the direction sign or the junction. I am satisfied that the necessary set back can be required by attaching a reasonable and enforceable condition, the effect of which would address the objections of Transport Scotland.

This is the version issued to parties on 22 February 2008.

G FARRINGTON
Reporter

CONDITIONS

1. The consent hereby granted shall be for a period of 5 years only from the date of this decision and at the end of this period the signboard shall be removed to the reasonable satisfaction of the planning authority.
Reason: As required by Regulations 6 and 18 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended).
2. The forwardmost part of the sign board including the support shall be set back not less than 3 metres from the forward edge of the kerb of the A99 trunk road.
Reason: In the interests of safeguarding the safety of road users and the free flow of traffic on the trunk road.
3. a) The signboard and the land used for its display shall be maintained in a clean and tidy condition to the reasonable satisfaction of the planning authority.
b) The signboard shall be maintained in a safe condition to the reasonable satisfaction of the planning authority.
c) Before the signboard is displayed the permission of the owner of the land or other person entitled to grant permission shall be obtained.
Reason: As required by Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended)

Information: The consent hereby granted does not carry with it the right to carry out works within the trunk road boundary and the appellant must consult with Transport Scotland, Trunk Roads Network Management at Scotland TranServ, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.

ADA_270_019