

ITEM No. 1 3

Report No 626/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

15 AUGUST 1996

**SUBJECT: ENFORCEMENT ACTION
16 WEST PORT, ARBROATH**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report recommends the taking of enforcement action against the owner of Chaplin's Bar, 16 West Port, Arbroath, in respect of the erection of unauthorised illuminated signs.

1 RECOMMENDATION

- 1.1 That authority be granted to commence enforcement proceedings requiring the owner of the above property to remove two illuminated projecting signs erected in breach of Section 129(8) of the Roads (Scotland) Act 1984 and a further illuminated sign erected without the benefit of advertisement approval which does not conform to Council policy for signs in conservation areas.

2 INTRODUCTION

- 2.1 The premises are situated in the West Port Conservation Area and front onto West Port with a side elevation in Bank Street. A projecting sign has been erected on each elevation and as these are less than 50cms in from the carriageway they do not meet the criteria of the aforementioned legislation. The other sign referred to occupies a frame which may have been in situ for many years. It is fixed between gutter and first floor level with a downlighter illuminating it on the Bank Street elevation of the two storey property.

3 CASE HISTORY

- 3.1 In January 1996, it was noted that three new illuminated signs had been affixed on the licensed premises situated at 16 West Port, Arbroath. The premises after lying empty for some time, had recently come under new ownership and this resulted in a change of name. The owner was interviewed and advised the signs required the benefit of advertisement approval but this was unlikely to be forthcoming as they either breached roads legislation, or failed to meet Council guidelines. The owner advised that the manufacture and erection of the signs had been undertaken by an agent whose responsibility it was to obtain the necessary consents and all communication should be made with him.
- 3.2 On 30 January 1996, a letter was sent to the agent advising that the signs required advertisement consent but that this would not be readily granted for the reasons

stated. Subsequently, a telephone call was received from the agent to the effect that the problem affecting the projecting signs could be remedied by altering the supporting brackets.

- 3.3 On 14 May 1996, the agent advised that an application had been prepared and passed to the owner for submission. On 29 May 1996, a letter was sent to the owner advising that the required application should be submitted immediately. There was no reply to this letter. On 24 June 1996, a further letter was sent to the owner informing him that as an application was not received before 31 July 1996, the matter would be reported to the Planning Committee with a recommendation that an enforcement action be pursued in order to regain planning control. He has again failed to respond.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Director of Finance and the Director of Law & Administration have been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 The signs in question would not attract a recommendation of approval and cannot therefore be ignored. The owner's agent suggested that modifying the brackets would solve the problem of the projecting signs but has not demonstrated how this is to be achieved or a willingness to undertake the work.
- 6.2 The owner is not willing to address the issue and appears set on testing the Council's resolve to take action.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/IAL
6 August 1996

Alex Anderson
Director of Planning, Transport & Economic Development