

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES PLANNING COMMITTEE: 20 DECEMBER 2005

**05/0513/AD: PROPOSED 2 NO. FREESTANDING SIGNS (RETROSPECTIVE)
AT CROFHEAD ROAD/IRVINE ROAD, KILMAURS
BY HOPE HOMES SCOTLAND**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The retrospective application consists of the erection of two freestanding signs. The frames for the signs are some 4.7 metres in height and 2.4 metres wide and they advertise the proposed sale of residential properties on the site. One sign has been positioned approximately 1 metre from the common boundary of the property at 57 Irvine Road and faces onto Irvine Road while the other sign is positioned approximately 10 metres west of the boundary of Crofthead Road and faces onto Crofthead Road, Kilmaurs. The sign onto Irvine Road has been erected while only the structural frame of the signboard has been erected at Crofthead Road. The applicant was prevented from completing the Crofthead Road sign due to legal action taken by the Planning Authority.

1.2 Planning application 05/0027/FL for a housing development on the site, was approved by the Development Services Committee on 13 December 2005 subject to referral to the Scottish Executive.

1.3 This planning application was submitted by Hope Homes in response to the enforcement action taken by the Council. It should be noted that if Planning Application 05/0027/FL for the housing development is cleared by the Scottish Executive following their assessment of that application the erection of the signs would in fact become permitted development within the context of an authorised housing development.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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BY HOPE HOMES SCOTLAND

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an advert application which is to be considered by the Development Services Planning Committee under the scheme of delegation.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located at the end of Crofthead Road and Irvine Road in Kilmaurs. The site is approximately 2.59 hectares in area of agricultural land. The site is located within the settlement boundary of Kilmaurs as extended by the East Ayrshire Local Plan. The signs are located at the field access points on Crofthead Road and Irvine Road.

2.2 **Proposed Development:** The retrospective application consists of the erection of two freestanding signs. The frames for the signs are some 4.7 metres in height and 2.4 metres wide and they advertise the proposed sale of residential properties on the site. One sign has been positioned approximately 1 metre from the common boundary of the property at 57 Irvine Road and faces onto Irvine Road while the other sign is positioned approximately 10 metres west of the boundary of Crofthead Road and faces onto Crofthead Road, Kilmaurs. The sign onto Irvine Road has been erected while only the structural frame of the signboard has been erected at Crofthead Road. The applicant was prevented from completing the Crofthead Road sign due to legal action taken by the Planning Authority.

2.3 Planning application 05/0027/FL for a housing development on the site, was approved by the Development Services Committee on 13 December 2005 subject to referral to the Scottish Executive.

2.4 This planning application was submitted by Hope Homes in response to the enforcement action taken by the Council. It should be noted that if

Planning Application 05/0027/FL for the housing development is cleared by the Scottish Executive following their assessment of that application the erection of the signs would in fact become permitted development within the context of an authorised housing development.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have made no comments/objections to the application.

Noted.

3.2 Kilmaurs Community Council object to the application on the basis that the works are retrospective and the Developer on this occasion had no right to erect the signs before planning permission is granted and until such times request that they be removed. At present they are misleading and offensive to the immediate residents.

The concerns of the Community Council are noted. However the behaviour of the applicant in erecting the signs without the appropriate permission is not a material consideration and it is for the Courts to decide what punitive action is required.

4. REPRESENTATIONS

4.1 No letters of objection have been received in relation to this proposal from third parties, although the comments of the Community Council are noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan it is considered that no policies specifically relate to the current application.

East Ayrshire Local Plan

5.3 Policy RES 1 indicates that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and amenity open space development.

The application site is the Residential Development site 177H identified in the East Ayrshire Local plan.

5.4 Policy ENV 7 encourages developers to comply with the Council's Design Guidance and Policy documents relating to and advising on types of development proposed. Accordingly the Council's Design Guidance 6 on 'The Display of Advertisements' states that in determining the acceptability of signs the following two aspects will be considered:

- (a) Amenity - signs have an impact on the visual amenity not only of the property or site on which they are located but also on neighbouring properties and the surrounding area.

As detailed it is considered that the signs do not detract from the visual amenity of the area and no objections have been received to the signs.

- (b) Safety - all signs will be assessed for their impact on public safety particularly the safety of pedestrians, drivers and other road users.

It is considered that the signs are positioned outwith the public footpaths to avoid causing an obstruction and the Council's Roads and Transportation Division do not advise against the signs on the basis that the safety of drivers is compromised.

5.5 In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The Community Council are not supportive of the proposal however the other consultation response does not indicate that the application should be refused.

Representations

6.3 No letters of objection other than the Community Council have been received in relation to this application from third parties.

Impact on the amenity of the area

6.4 It is considered that such signage is a common feature of development sites and that the proposed signs will not have a significant detrimental impact on the residential or visual amenity of the locality. However, given that there is no valid planning consent for the re-development of the site, it is considered appropriate in this instance to limit the timescale for any grant of permission.

Planning History

6.5 Planning Application No. 05/00272/FL for a residential development at the site was approved by the Development Services Committee on the 13 December 2005 subject to referral to the Scottish Ministers.

6.6 Enforcement action was taken on 16 March 2005 by the Planning Authority against the developer in relation to the carrying out of engineering operations on the application site without the benefit of planning permission.

6.7 Planning Application No. 05/0417/FL was submitted on 12 June 2005 for the stripping and bunding on site of topsoil, erection of a post and wire perimeter fence and the laying of below ground drainage. That application is also before this Committee.

6.8 Planning Application No. 05/0027/FL was submitted on 11 January 2005 for residential development on the site. That application is also before this Committee.

6.9 Planning Application No. 04/0782/FL for a residential development at the site was withdrawn on 11 January 2005.

6.10 Outline Planning Application No. 01/0312/OL for residential development at this site was withdrawn on 20 January 2004.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

Alan Neish
Head of Planning and Building Standards

14 December 2005
(CSI/SA)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Planning Application 05/0417/FL.
7. Planning Application.05/0027/FL.
8. Planning Application.04/0782/FL.
9. Planning Application.01/0312/OL.

Anyone wishing to inspect the above papers please contact Craig Iles,
Senior Planning Officer on 01563 576772.

Implementation Officer: Alan Neish

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0513/AD

Site of Proposal: Crofthead Road/Irvine Road
Kilmaurs
KILMARNOCK KA3 2NU

Nature of Proposal: Proposed Erection of 2 Freestanding Signs

Name & Address of Applicant: Hope Homes Scotland
Watson Terrace
Drongan
AYR KA6 7AB

Name & Address of Agent:

DPOs Reference: CS/SA

The above ADVERTISEMENT application should be granted subject to the following condition:-

1. Permission is granted for a limited period of twelve months from the date hereof. At the expiration of this period the signage shall be removed from the land, unless planning permission is granted for the redevelopment of the site and works in connection with such consent are commenced prior to the expiration of this period. In such circumstances, the signs shall instead be removed upon the sale of the final property.

REASON The proposed signage is of a temporary nature and to allow the Planning Authority to retain control over the site in the interests of visual amenity.

