

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 05 AUGUST 2005**

**05/0435/AD: PROPOSED 2 NO. FREESTANDING SIGNS (RETROSPECTIVE)  
AT FENWICK ROAD/ MILLHILL AVENUE, KILMAURS, KA3 2TD  
BY HOPE HOMES, SCOTLAND**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Retrospective planning permission is sought for the erection of two freestanding signs advertising the sale of residential properties on the site. The site is currently vacant ground located at the end of Millhill Avenue and Fenwick Road. The frame for the signs is some 4.4 metres in height where each sign covers an area of 13.2 sq metres. One sign has been positioned approximately 7m from the common boundary of the property at 2a Fenwick Road and faces onto Fenwick Road and the other sign is positioned approximately 10 metres east of the boundary of 33 Main Street and faces onto Millhill Avenue.

#### **2. RECOMMENDATION**

2.1 **It is recommended that the application be approved subject to the conditions 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.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from Council policy.

**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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### 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 of an advert application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that the application is subject of objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located at the end of Millhill Avenue and Fenwick Road in Kilmaurs. The site is approximately 0.22 hectares in area, is currently vacant ground and has a steep gradient. The site is located within Kilmaurs Conservation Area and is surrounded by residential properties to the north, east and south and by commercial buildings to the west.

2.2 **Proposed Development:** The retrospective application consists of the erection of two freestanding signs. The frame for the signs is some 4.4 metres in height, where each sign covers an area of 13.2 sq metres and advertises the sale of residential properties on the site. One sign has been positioned approximately 7 metres from the common boundary of the property at 2a Fenwick Road and faces onto Fenwick Road and the other sign is positioned approximately 10 metres east of the boundary of 33 Main Street and faces onto Millhill Avenue.

#### 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 should be removed until full plans are submitted. Concern is raised regarding the developer's lack of respect or sympathy for the residents of Fenwick Road and the village.

***The concerns of the Community Council are noted.***

#### **4. REPRESENTATIONS**

Nine objectors have submitted representations in relation to the proposal including the objections raised from Kilmaurs Community Council as detailed in section 3.2 of this report.

4.1 The grounds of objection are summarised as follows:

- The application is a delaying tactic by Hope Homes who have disregarded the requirements for planning permission therefore the applicants should be refused permission and required to reinstate the site.

***The concerns of the residents regarding the process by which the applicants carried out the works are noted.***

- The signs advertise that there will be houses for sale but no planning permission has been granted therefore questions are raised whether or not this is legal.

***The issue of whether a developer can legally market a site that does not benefit from planning permission is not material to the assessment of this planning application.***

- Given that no planning permission has been granted for residential properties on the site there is no requirement for the signs that should be removed.

***It is noted that planning permission has not been granted for residential properties on the site, however the applicant has recently submitted an application for a residential development on the site.***

#### **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 ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area.

***As detailed in Section 4 the applicants have submitted a planning application for a residential development on the site, and it is considered that the visual impact of the works are not of a significant scale to warrant refusal of this current application. In this instance it is considered appropriate grant temporary consent for the signage.***

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' which 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.***

(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.***

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 representations received, the planning history of the site and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

### Representations

6.3 The representations received have been summarised in Section 4 of the report and are not considered to be of such weight as to merit refusal of the application.

### Impact on the amenity of the are

6.4 It is considered that the signage is a common feature of development sites 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 Two detailed planning applications for residential developments (03/0628/FL and 04/0610/FL) were refused on 10 February 2004 and 29 October 2004 and an additional application (02/0544/FL) was withdrawn on 18 July 2003 for a residential development on this site.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications imposed by 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.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not be a significant departure from Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

22 July 2005  
(GC/MMM)

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Application 02/0544/FL.
8. Planning Application 03/0628/FL.
9. Planning Application 04/0610/FL.

Anyone wishing to inspect the above papers please contact Gillian Craig on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0435/AD

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Site of Proposal: Fenwick Road/ Millhill Avenue  
Kilmaurs KA3 2TD

Nature of Proposal: Proposed 2 No. Freestanding Signs

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

Name & Address of Agent:

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DPOs Reference: GC/MMM

The above FULL application should be granted subject to the following conditions:-

1. Permission is granted for a limited period of eighteen months from the date hereof, and 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 a consent are commenced prior to the expiration of this period.

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

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**