

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 06 APRIL 2001

**01/0116/AD – PROPOSED 2 X 48 SHEET ADVERTISING HOARDINGS
AT QUEENS DRIVE, KILMARNOCK
BY MAIDEN OUTDOOR ADVERTISING**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicants propose to erect two illuminated advertisement hoardings of dimensions 3.023 metres in height by 6.072 metres in frontage width. The hoardings will be constructed of timber. The applicants have requested Advertisement Consent for 5 years although they have advised that consent for a shorter period would be acceptable. They have advised that they propose to landscape the front of the advertising displays with a mixture of low level shrubs.

2. RECOMMENDATION

2.1 It is recommended that the application for advertisement consent should be refused for the reasons on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 Whilst there is no indication that the proposed hoardings will have an adverse impact on traffic/public safety, it is considered that if erected, the hoardings will constitute an over-dominant and visually intrusive feature in the area and this will be intensified by the proposed illumination. Queens Drive is one of the main approaches to/from Kilmarnock and it is therefore vital that its visual amenity and open character is protected. To allow the hoardings in this instance with no purpose or relationship to an existing use, would set a precedent for further unnecessary and visually obtrusive structures all to the detriment of the amenity of this important approach.

3.2 As indicated in Section 5 of the report there are no applicable policies in the Adopted Kilmarnock Local Plan, which would affect the determination of this application.

The material considerations discussed in Section 6 and paragraph 8.1 of the report are therefore of primary importance in the assessment of this application and greatest weight should be attached to these in the absence of any policies in the Adopted Local Plan.

Alan Neish
Head of Planning and Building Control

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 and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for advertisement consent which is to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the north and south sides of Queens Drive near the junction with Hurlford Road. The sites are on Railtrack ground. The first hoarding is to be located on the southern side of Queens Drive next to an industrial yard currently used for the preparation of gravestones. The second hoarding will be located opposite Hurlford Road at the mini-roundabout on open land. Both sites are generally surrounded by open grassland and comprise some landscaping associated within the railway.

2.2 **Proposed Development:** The applicants propose to erect two illuminated advertisement hoardings of dimensions 3.023 metres in height by 6.072 metres in frontage width. The hoardings will be constructed of timber. The applicants have requested Advertisement Consent for 5 years although they have advised that consent for a shorter period would be acceptable. They have advised that they propose to landscape the front of the advertising displays with a mixture of low level shrubs.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads Division has advised that they have no objections to make.

Noted.

3.2 The Piersland Bentinck Community Council has not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS RECEIVED

4.1 No letters of representation have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning 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 Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 There are no relevant policies in the Adopted Local Plan which are relevant in the determination of this application.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version 1999 with Modifications, Circular 10/84 on the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, the consultations detailed above and previous advertisement applications for hoardings.

6.2 In respect of the East Ayrshire Local Plan Finalised Version with Modifications, Policy ENV 7 requires developers to comply with the Council's existing and emerging Design Guidance. There is no existing relevant guidance and new guidance remains to be agreed formally by Council. Furthermore with regard to the statutory consultations outlined in Section 3 of this report, there have been no negative issues raised.

6.3 The primary material consideration is therefore Circular 10/84. This document provides advice on advertisement control and states the view of Central Government that properly displayed and well-designed advertisements are well accepted and approved by the general public. It is noted that advertisements are an integral part of modern commercial life and their presence in many street scenes will enhance and improve the environment by adding colour and interest. Planning Authorities are therefore encouraged to consider proposals for the display of advertisements in as favourable a light as possible and in particular to take full account of the positive effects of advertisements. The Guidance reminds Planning Authorities that control of advertisements can be exercised only in the interests of amenity and public safety. In terms of amenity, Planning Authorities shall determine the suitability of the use of the site for the display of advertisements in light of the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest and when assessing the general characteristics of the locality, the authority may disregard any advertisements being displayed therein.

It is noted that the Council's Roads Division has not objected on the grounds of public safety. As such the determining issue in terms of this

application is the effect of the hoardings on the amenity of the surrounding area. The sites for the hoardings are located on a main approach to/from Kilmarnock which forms a principle entry/exit to/from the Irvine and Cumnock and Doon Valley in addition to the A77 (north and south). The surrounding area is generally grassland or low level buildings with essentially an open outlook. Generally it is considered that the site is an attractive entry/exit to or from the town. It is therefore considered that the proposal by reason of its nature, would involve two prominent, intrusive and illuminated features of significant scale and colouring which would be out-of-character with the surrounding area. The proposed hoardings are therefore considered to have a detrimental effect on the open character of the area thereby resulting in a serious unacceptable impact on the existing amenity of the area. It is noted that it is in the nature of such hoardings to be conspicuous. Whilst these forms of development may be acceptable in sensitive locations this would however generally only be where the hoardings are concealing or screening untidy land or buildings or unsightly uses. With regard to the application sites, it is clear that such justification does not exist in this location.

6.4 The Council has generally considered hoardings favourably where they would serve a beneficial purpose. For example, the car breakers yard at Low Glencairn Street is screened by hoardings which were granted Advertisement Consent. These hoardings screen from public view the storage of scrapped vehicles and therefore make a worthwhile contribution to the streetscene. Furthermore the Council refused Advertisement Consent for two hoardings at the A71 Bellfield Interchange Service Station on the grounds that the hoardings were to be sited in a conspicuous location featuring illumination which would be detrimental to the surroundings and without justification for the acceptance of their detrimental impact arising from any beneficial screening or concealing of adjacent untidy ground or buildings. The applicants then appealed to the Scottish Ministers who dismissed the appeal. The Reporter in this connection found that the proposal would add to the existing visual clutter and that the hoardings would be visually intrusive and out-of-keeping with the immediate surroundings and contrary to the interests of amenity.

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 Whilst there is no indication that the proposed hoardings will have an adverse impact on traffic/public safety, it is considered that if erected, the hoardings will constitute an over-dominant and visually intrusive feature in the area and this will be intensified by the proposed illumination. Queens Drive is one of the main approaches to/from Kilmarnock and it is therefore vital that its visual amenity and open character is protected. To allow the hoardings in this instance with no purpose or relationship to an

existing use, would set a precedent for further unnecessary and visually obtrusive structures all to the detriment of the amenity of this important approach.

8.2 As indicated in Section 5 of this report there are no applicable policies in the Adopted Kilmarnock Local Plan, which would affect the determination of this application. The material considerations discussed in Section 6 and paragraph 8.1 above are therefore of primary importance in the assessment of this application and greatest weight should be attached to these in the absence of any policies in the Adopted Local Plan.

8.3 If the Council are minded to approve this application it would not require to be referred to the Development Services Committee as it would not be considered a significant departure from the East Ayrshire Local Plan Finalised Version with Modifications.

9. RECOMMENDATION

9.1 It is recommended that the application for advertisement consent should be refused for the reasons on the attached sheet.

Alan Neish
Head of Planning and Building Control

28 March 2001
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory documentation.
3. Statutory consultations.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Kilmarnock Local Plan.
6. Circular 10/84.
7. Advertisement Application No 00/0021/AD and KL/E/AD/86/023A.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0116/AD

Site of Proposal: Queens Drive
KILMARNOCK

Natural of Proposal: Proposed Erection of 2 x 48 Sheet Advertising
Hoardings

Name & Address of Applicant: Maiden Outdoor Advertising
Unit 2
Buchanan Business Park
Cumbernauld Road
Stepps
GLASGOW G33 6HZ

Name & Address of Agent:

DPOs Reference: FMF/MMM

The above ADVERT application should be refused on the following grounds:-

1. The proposed hoardings would have a detrimental affect on the visual amenity and general character of the area by virtue of their scale, design and illumination and would represent inappropriate, incongruous and over-dominant structures by reason of introducing unacceptable visual clutter. There is no justification for accepting this detrimental effect, arising out of any other associated visual or environmental benefits.
2. The proposed hoarding if approved would set an undesirable precedent which could encourage further similar applications for proposals which would be unacceptable by reason of their detrimental effect on the visual amenity and general character of the area.

**PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA