

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 22 AUGUST 2003

**03/0292/AD: PROPOSED ADVERTISEMENT HOARDINGS 6 IN NO.
AT FORMER INFIRMARY SITE, HILL STREET, KILMARNOCK
BY MAIDEN OUTDOOR ADVERTISING**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Advertisement consent is sought for the erection of 6 illuminated advertisement hoardings of dimensions 6.4 metres in frontage width and 4 – 6 metres in height. The hoardings will be constructed in timber. The applicants have requested advertisement consent for 3 years. The applicant has advised that one of the hoardings will be used by the owner of the site to promote the future development on the site. This hoarding would be located on the roadside.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is considered to be contrary to the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. There is no indication that the proposed hoardings will have an adverse impact on traffic/public safety however 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. The proposed hoardings will detract from the setting of the adjacent 'B' Listed St Joseph's Church.

CONTRARY DECISION NOTE

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

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 the report is to present for determination an advertisement application which is to be considered by the Local Planning Committee because it is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former site of Kilmarnock Infirmary, with the last Infirmary building which was listed being demolished in the late 1990's. The site occupies an elevated position to the north end of the town centre and it is presently derelict and overgrown. The site is surrounded to the north by St Joseph's Church, to the south by Hill Street and the railway viaduct to the west and southmost by Hill Street beyond which are industrial buildings, the B listed Kilmarnock Railway Station and to the east by small commercial properties on Portland Street and B Listed West High Church. The site slopes northwest to south east down towards Portland Street.

2.2 **Proposed Development:** Advertisement consent is sought for the erection of 6 illuminated advertisement hoardings of dimensions 6.4 metres in frontage width and 4 – 6 metres in height. The hoardings will be constructed in timber. The applicants have requested advertisement consent for 3 years. The applicant has advised that one of the hoardings will be used by the owner of the site to promote the future development on the site. This hoarding would be located on the roadside.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no adverse comments to make regarding the proposed development.

Noted.

3.2 North West Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.3 Bonnyton Community Council have objected on the following reasons:-

- In the interests of road safety;
- Loss of visual amenity to listed buildings;
- Loss of amenity to St Joseph's Church

These concerns have been addressed in Section 4 below.

4. REPRESENTATIONS

There are 186 objectors to the proposed development (including one from Bonnyton Community Council) and their grounds of objection are as follows:-

4.1 The six advertisement hoardings would adversely affect the visual amenity of three Grade B Listed Buildings comprising the Railway Viaduct, West High Church and St Joseph's Church. The proposal cannot meet the requirements of Policy ENV 4. Section 59 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 requires "a general duty upon the Council when it considers the planning applications to have special regard to the desirability of preserving the setting of listed buildings affected by the proposal."

It is considered that the proposed hoardings will have a detrimental impact on the setting of St Joseph's Church. The setting of the West High Church and the viaduct are not affected by the siting of the proposed hoardings.

4.2 The public safety issue is of concern as the reason for erecting such hoardings is to catch public attention. This particular stretch of road has road junctions, sharp bends, steep hills and dips in the road. It demands full driver attention at all times. The distraction which the adverts on these hoarding will encourage especially for the less experienced driver who may be unfamiliar with the route, is not in the best interests of public safety whether pedestrian, driver or other road users. This is true in the winter months, as hoardings of this height will overshadow the road and increase the chance of the road icing up, since any available sunlight cannot reach it. These hoardings are a traffic hazard by distraction.

The Roads Division have not raised any concerns on road safety grounds.

4.3 The proposal is contrary to East Ayrshire Design Guidance: The Display of Advertisements.

The proposed hoardings are considered to be contrary to the Design Guidance as discussed in Sections 5.2 and 5.3 below.

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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

5.2 Policy ENV 7 of EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance which advises that in determining the acceptability of signs, two aspects should be considered.

- Amenity – signs may 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.

It is considered that the proposed hoardings will have an adverse effect on the amenity and character of the area.

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

The Roads Division have not raised any concerns on road safety grounds regarding the hoardings.

5.3 The Design Guidance also advises that hoardings will only be permitted where it can be shown that they are temporarily screening an unsightly gap or redevelopment site or permanently screening an unsightly use. In these circumstances consideration will be given only to a limited number of hoardings, the balance of screening being achieved by means of screen fencing.

The proposed hoardings do not perform a screening function to the redevelopment site. The hoardings are proposed to be erected in pairs and are not connected by screen fencing. They only provide a screen to the area where they are erected with the removing of the site being open to public view.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations responses and letters of representation detailed in Sections 3 and 4 of the report and Circular 10/84 of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 and the site history.

Consultations and Representations Received

6.2 The consultation responses and the letters of objection have been addressed in Sections 3 and 4 of this report. The concerns of the objectors are material in terms of the appropriateness of the hoardings and impact on the amenity of the adjacent listed buildings.

Circular 10/84 Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984

6.3 Circular 10/84 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. It is therefore considered that the proposal by reason of its nature, would involve six 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 surrounding listed buildings and 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.

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.

Site History

6.5 02/0559/OL: Outline planning consent was approved on 02 August 2002 for Class 4 Offices and Flatted Residential Development; approved on 02 August 2002.

03/0056/RM: Proposed Erection of 98 dwellings incorporating 78 Flats, 20 Terraced Townhouses.

02/0894/FL: Proposed Erection of New Health Club (private ground floor of proposed residential developments for residents use only) at Former site of Kilmarnock Infirmary, Hill Street/Garden Street/Portland Street, Kilmarnock.

Both the reserved matters application and full planning application were appealed on the grounds of non-determination to the Scottish Executive by the applicant. Both applications were refused by the Scottish Executive on 29 July 2003.

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 at Section 5 of the report the application is considered to be contrary to the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. There is no indication that the proposed hoardings will have an adverse impact on traffic/public safety however 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. The proposed hoardings will detract from the setting of the adjacent 'B' Listed St Joseph's Church.

The proposed hoardings do not provide a complete screening of this redevelopment site and would set a precedent for further unnecessary and visually obtrusive structure, all to the detriment of the amenity of this area of Kilmarnock.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control

13 August 2003
(PC/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Circular 10/84.
8. Planning Application Nos 00/0021/AD and KL/E/AD/86/023A, 01/0559/OL, 03/0056/RM and 02/0894/FL.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0292/AD

Site of Proposal: Former Infirmary Site
Hill Street
KILMARNOCK

Nature of Proposal: Proposed Advertisement Hoardings 6 in no.

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

Name & Address of Agent:

DPOs Reference: PC/MMM

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

1. The proposed hoardings are contrary to Policy ENV 7 of the Adopted East Ayrshire Local and the Approved Council's Design Guidance and would by reason of their scale, design and illumination represent inappropriate, incongruous and over-dominant structures by virtue of introducing unacceptable visual clutter. There is no justification for accepting this detrimental effect, ensuing out of any other associated visual or environmental benefits.
2. The proposed hoardings would have a detrimental effect on the setting on St Joseph's Church a 'B' listed building and the visual amenity and general character of the area.
3. The proposed hoardings 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.

**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.**