

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 02 FEBRUARY 2001

**00/0733/AD : DISPLAY OF 2 X 48 SHEET FREESTANDING ADVERTISING
HOARDINGS TO FORM ONE HOARDING AT TOLL GARAGE,
SMALLBURN ROAD, MUIRKIRK**

APPLICATION BY PRIMESIGHT LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Express consent is sought for the erection of two advertisement display hoardings on the application site. It is proposed to site the hoardings to the south west of the site, perpendicular to Smallburn Road. Each display panel measures 6 metres in length and 3 metres in height and would be mounted on steel supports. It is proposed to site the two hoardings adjacent to each other, in order to form one large hoarding, which would be 12 metres in length and 4.5 metres above ground level.

2. RECOMMENDATION

2.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 above, the application is not considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application may be approved unless material considerations indicate otherwise. As is indicated at paragraphs 6.4 and 6.5 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the Adopted Local Plan due to the age of this plan.

3.2 In terms of the more recent expression of policy, the proposed development is contrary to Development Control Policy 5 relating to the Display of Advertisements which is appended to the Finalised Cumnock and Doon

Valley District Wide Local Plan. The proposed hoardings do not fulfil the function of screening an unsightly gap or redevelopment site as required by the policy.

3.3 It is considered that the display of the two hoardings in this location would be detrimental to the visual amenity of the area and the streetscape of Muirkirk. The hoardings, by virtue of their size and position, would constitute an inappropriate form of advertising which would adversely affect the amenity of the area.

3.4 If the Committee are minded to approve this application, it would not require to be submitted to the Development Services Committee for determination as it would not represent a significant departure from 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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APPLICATION BY PRIMESIGHT LTD

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 advertisement application which is to be considered by the Local Planning Committee under the scheme of delegation as it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site is located on the north side of the A70 Smallburn Road, Muirkirk. The site comprises Toll Garage and its curtilage at this location. The site is bound to the north and west by brownfield land, to the east by residential properties and to the south by Smallburn Road and residential properties.

2.2 **Proposed Development** : Express consent is sought for the erection of two advertisement display hoardings on the application site. It is proposed to site the hoardings to the south west of the site, perpendicular to Smallburn Road. Each display panel measures 6 metres in length and 3 metres in height and would be mounted on steel supports. It is proposed to site the two hoardings adjacent to each other, in order to form one large hoarding, which would be 12 metres in length and 4.5 metres above ground level.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Muirkirk Community Council has not responded to the consultation letter.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development.

Noted.

3.3 British Gas Transco, Scottish Power and West of Scotland Water have no adverse comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received with regard to the proposed development.

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 Muirkirk Local Plan (1985). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, there are no specific policies within the plan against which the development requires to be assessed. The proposal is not therefore to the Adopted Local Plan.

Noted.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the Finalised Cumnock and Doon Valley District Wide Local Plan and the East Ayrshire Local Plan, Finalised Version (1999) and the impact on visual amenity.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, Finalised Version (EALP) should be considered as a prime material consideration. The proposed development does not conflict with the provisions of the EALP residential policies appropriate to the application site.

6.3 Design Guidance for the East Ayrshire Local Plan has yet to be agreed. The relevant design guidance is therefore contained within the Finalised Cumnock and Doon Valley District Wide Local Plan. Appendix 17 of the Finalised Plan lists development control policy documents, one of which relates to the display of advertisements. There are specific policies within this document which relate to hoardings. Policy 5 states that hoardings will not be

permitted in rural or predominately residential areas. Hoardings will not generally be permitted unless it can be shown that they are temporarily screening an unsightly gap, or redevelopment site.

6.4 The proposed hoardings will be located within a rural village. The erection of the hoardings cannot be justified in terms of performing a beneficial, temporary screening function in as much as their dimensions introduce a feature whose detrimental impact on the visual amenity of the area far exceeds any screening benefit. The hoardings are therefore contrary to the relevant development control policy documents. Consequently the proposal is considered to be contrary to the Finalised Cumnock and Doon Valley District Wide Local Plan.

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 is indicated at paragraph 5.2 above, the application is not considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application may be approved unless material considerations indicate otherwise. As is indicated at paragraphs 6.4 and 6.5 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the Adopted Local Plan due to the age of this plan.

8.2 In terms of the more recent expression of policy, the proposed development is contrary to Development Control Policy 5 relating to the Display of Advertisements which is appended to the Finalised Cumnock and Doon Valley District Wide Local Plan. The proposed hoardings do not fulfil the function of screening an unsightly gap or redevelopment site as required by the policy.

8.3 It is considered that the display of the two hoardings in this location would be detrimental to the visual amenity of the area and the streetscape of Muirkirk. The hoardings, by virtue of their size and position, would constitute an inappropriate form of advertising which would adversely affect the amenity of the area.

8.4 If the Committee are minded to approve this application, it would not require to be submitted to the Development Services Committee for determination as it would not represent a significant departure from policy.

9. RECOMMENDATION

9.1 It is recommended that the application be refused on the grounds listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
22 January 2001
VE/HM/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Statutory notices and certificates
3. Consultation responses
4. Adopted Muirkirk Local Plan
5. Finalised Cumnock and Doon Valley District Wide Local Plan
6. Adopted policies relating to the Display of Advertisements
7. East Ayrshire Local Plan, Finalised Version
8. Adopted Ayrshire Joint Structure Plan.

Any person wishing to inspect the background papers listed above should contact Vivien Emery 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 00/0733/AD

Location	Toll Garage, Smallburn Road, Muirkirk
Nature of Proposal:	Display of 2 x 48 Sheet Freestanding Advertising Hoardings to Form One Hoarding
Name and Address of Applicant:	Primesight Ltd, Unit 4 Queenslie Industrial Estate, Coltness Lane, GLASGOW G33 4DR
Name and Address of Agent	N/A

DPO's Ref: [VIVIEN EMERY]
PPO's Ref; []

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

- (1) The proposed advertisement hoardings are contrary to the Council's agreed development control policies relating to the display of advertisements which state:

"Policy 5: Hoardings will not be permitted in rural or predominately residential area. Hoardings will not generally be permitted unless it can be shown that they are temporarily screening an unsightly gap or redevelopment site."

The proposed advertisement hoardings would be located within a rural village and would not be temporarily screening an unsightly gap or redevelopment site.
- (2) The proposed hoardings would be detrimental to the character and visual amenity of the surrounding area by virtue of their size and location and there is no justification for the acceptance of their detrimental impact.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA