

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

**03/0709/AD: PROPOSED FREESTANDING SIGN AT BURNTON ROAD, B742,
DALRYMPLE**

APPLICATION BY EASSDA SCOTLAND LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application has been submitted on a retrospective basis for a freestanding sign following the service of a Planning Contravention Notice.

1.2 The sign itself extends to a height of 3.5 metres and is 3 metres wide. It is a sandwich board angled to the road so that it is visible to drivers coming from both directions. The purpose of the sign is to advertise a housing development at the former caravan park at Burnton Road which is currently underway having received planning permission (Ref : 01/0623/FL) in May 2003.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with 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 should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not merit refusal of this application.

3.2 The sign in question has been erected prior to consent being granted on land which is within the ownership of the applicant. Its purpose is to advertise the housing development currently underway at the former caravan park which is not particularly visible from the public road. The content of the sign, albeit inaccurate, is not a matter which comes under the control of the Planning

Authority, and is therefore immaterial in the consideration of this application. Issues of size, visual amenity and road safety are, though, material.

3.3 In terms of its visual impact the sign is located on the edge of an area of scrub land and is set between trees so it is not unduly prominent on the landscape. It is not considered that it is unacceptable either in principle or in its current form, subject to the comments of the Roads Division regarding its position.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development 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 advertisement consent application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a triangular area of scrub land located within the settlement envelope of Dalrymple. It is sandwiched between the rear of houses on Seath Drive and the more recent housing development at Fulton Place. The site is immediately adjacent to the edge of the public B742 road where there is no footway.

2.3 **Proposed Development:** The application has been submitted on a retrospective basis for a freestanding sign following the service of a Planning Contravention Notice.

2.4 The sign itself extends to a height of 3.5 metres and is 3 metres wide. It is a sandwich board angled to the road so that it is visible to drivers coming from both directions. The purpose of the sign is to advertise a housing development at the former caravan park at Burnton Road which is currently underway having received planning permission (Ref : 01/0623/FL) in May 2003.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads & Transportation Division has advised they have no objection to the proposed development, subject to a condition to ensure that the sign is at least 2 metres back from the road to alleviate potential for the sign to cause an obstruction to road users.

Noted. This can be achieved by means of a condition attached to any planning consent.

3.2 Dalrymple Community Council has objected to the sign on the grounds that its size and placing is going to cause an accident. They have advised that it should be located further back from the road so that drivers can park to go and look at it rather than continuing to drive and look at it at the same time.

Noted. A condition can be attached to any planning consent to secure an appropriate relocation of the sign.

4. REPRESENTATIONS

4.1 In addition to the objection from the Dalrymple Community Council, the Division has received correspondence from an objector on several different occasions. The points of objection are summarised as follows:-

4.2 The objector advises that the sign is in breach of OEA and ASA rules.

The conformity of this sign in relation to the requirements of the Ombudsman Scheme for Estate Agents or the Advertising Standards Authority is not a material planning consideration and therefore is not considered to carry any weight in the determination of this application.

4.3 Trading Standards point out that the sign is further misleading by describing the development in South Ayrshire Burns country when it is in fact in East Ayrshire (working class coal mining area).

The content of the sign is not a material planning consideration. The specific content of the sign is not a material planning consideration.

4.4 Advised that an application had been submitted but no notice to lodge objections had been received.

In accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, an applicant is not required to carry out neighbour notification when applying for advertisement consent.

4.5 The architect has been negligent in drawing a false boundary as proved by the title deeds pertaining to the objector's property and those of EASSDA which have been copied to the Architects Registration Board.

The applicant has certified that the site is in their ownership. This also accords with the site ownership certificate, Form TP2A, as submitted for the now approved application for the actual housing development. It is therefore considered that the ownership is not an issue in the determination of this application.

4.6 The sign by Countrywide Estates on the same poles is in breach of OEA Code 4a; Town and Country Planning (Control of Ads) Reg 1990 4e 4f; British Codes of Advertising and Sales Promotion 4g; Property Misdescriptions Act 1991 and DTI guidance Property Misdescriptions (specified matters) Order 1992 eg. Property not in South Ayrshire as claimed.

The smaller board hosted on the same signage poles forms part of the current application. Countrywide Estates are the estate agents for the properties and this is to advise possible purchasers of the vending agents. In any case the content of the sign, whether accurate or not is not a material planning consideration to be given weight in the determination of this application.

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 (2003).

Ayrshire Joint Structure Plan

5.2 The structure plan does not contain any strategic policies which are relevant to the proposed development.

East Ayrshire Local Plan

5.3 Policy ENV7 states that developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed.

The freestanding sign must therefore comply with the guidance as set out in Design Guidance 6 : The Display of Advertisements. This states that such a sign will not be acceptable to the Council where it is likely to cause an obstruction or danger to either pedestrians or traffic or if because of its material finish or design it is considered to be detrimental to the visual amenity and character of the area. The Roads Division do not consider that the sign obstructs the road and

nor is there a footway adjacent. They do though require that the sign is set back 2 metres from the edge of the public road. The appearance of the sign is typical for this type of advertisement and is not unduly prominent or detrimental to the area. It is considered that the sign is in accordance with this guidance and therefore complies with Policy ENV7, subject to its relocation.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the objections.

Consultations Responses

6.2 The Community Council have objected to the position of the sign on the basis that it raises a road safety hazard. This is a valid consideration, however, the Roads Division who have inspected the sign have recommended a condition to ensure that the sign is positioned a minimum of 2 metres from the road and this can be imposed on the consent if the Committee are minded to approve.

Representations

6.3 The application has attracted a number of objections from one party. These objections mainly relate to the ownership of the site as well as the content of the sign. It is not considered that any of the issues raised are sufficient to indicate that the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 If the application is refused there may be legal implications for the Council arising from the need to pursue enforcement action relative to an unauthorised sign.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with 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 should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material

considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not merit refusal of this application.

8.2 The sign in question has been erected prior to consent being granted on land which is within the ownership of the applicant. Its purpose is to advertise the housing development currently underway at the former caravan park which is not particularly visible from the public road. The content of the sign, albeit inaccurate, is not a matter which comes under the control of the Planning Authority, and is therefore immaterial in the consideration of this application. Issues of size, visual amenity and road safety are, though, material.

8.3 In terms of its visual impact the sign is located on the edge of an area of scrub land and is set between trees so it is not unduly prominent on the landscape. It is not considered that it is unacceptable either in principle or in its current form, subject to the comments of the Roads Division regarding its position.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 and Building Control, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

1 October 2003
NM/NM/SMB
FV/DVM

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.

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0709/AD

Location	Burnton Road B742 DALRYMPLE KA6 6EE
Nature of Proposal:	Proposed freestanding sign
Name and Address of Applicant:	EASSDA Scotland Ltd Burnton Road DALRYMPLE KA6 6EE
Name and Address of Agent	EASSDA Scotland Ltd Braymoor Holiday Village Torranyard KILWINNING KA13 7RD

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. The sign hereby approved is approved for a temporary period of five years only after which time it shall be completely removed from the site and the site reinstated to its former condition to the satisfaction of the Planning Authority.

REASON – The sign is of a temporary nature and therefore requires to be removed when no longer required.

2. Notwithstanding the details as submitted the sign shall be repositioned so that it is no less than two metres from the edge of the public highway.

REASON – In the interests of pedestrian and road safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**