

REPORT TO: Planning Committee
MEETING DATE: 20 August 2024
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Note: This application has been called off the Scheme of Delegation List by Councillor Collins for the following reasons: Two residents from properties nearby are concerned the sign is being erected on their land without their consent, as the land does not belong to Taylor Wimpey. Also due to safety issues with the sign being next to a children's playpark and possibly obscuring sightlines for HGVs using the construction site, and for children crossing the road.

Application No. **24/00421/ADV**
Proposal Display of advertisement (Retrospective)
Location **Land To North Of 3
James Kirk Way
Dunbar
East Lothian**
Applicant Taylor Wimpey East Scotland

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

Advertisement consent is sought retrospectively for the display of advertisement signage on land adjacent to the junction of James Kirk Way with Yosemite Park and Brodie Road, in relation to the housing development approved by the grant of planning permission 20/00110/PM for the erection of 197 houses, 48 flats and associated works.

The signage for which retrospective consent is sought consists of two dibond panels attached to two aluminium poles which have been concreted into the ground. The sign measures some 4 metres in height and some 1.67 metres in width. The erected sign features details of the Taylor Wimpey housing development currently under construction at Hallhill North (Belhaven Way) which is located at the northern end of Yosemite Park, some 500m to the north. The signage is non illuminated.

DEVELOPMENT PLAN

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety. When exercising such powers a planning authority shall in the interests of amenity, determine the suitability of the use of a site for the display of

advertisements in the 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.

The Council's Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment', which was adopted by the Council on 30th October 2018, sets out policies for the control of the display of advertisements within Conservation Areas. There are no policies of the SPG that are relevant to the determination of this application, as the site is not within a Conservation Area.

REPRESENTATIONS

Three letters of representation have been received in relation to the application, all of which object to the proposal. The main grounds of objection are summarised below:

- (i) The previous sign at the junction of Kellie Road/Spott Road was also erected some time before planning permission was sought;
- (ii) The sign is more than a kilometre from the Hallhill North site, it gives no indication of where the actual building development is. It is very close to the Lochford Gardens development which is under construction by a different developer and could cause confusion;
- (iii) The Hallhill North site already has lots of signs and flags which have been consented, this sign seems superfluous to publicity needs for the site;
- (iv) The sign is close to a busy road intersection (Yosemite Park/Brodie Road/James Kirk Way) and could be distracting for drivers.
- (v) There are concerns in the area about the speed of traffic along with the number of HGVs who are still using Yosemite Park to get to Hallhill North as they are not able to use the U194. The sign is on the corner planting of the playpark which is well used. Children are crossing the busy road which has no crossing place and thus driver distraction should be avoided;
- (vi) The applicant does not own the land, residents pay factoring fees covering the ground where the sign has been erected and would expect that permission to use the site would be needed from each resident;
- (vii) The sign looks totally out of place being so distant to the building site; and
- (viii) The sign is not appropriate on land designated for recreation and detracts from the enjoyment of this space.

The applicant has stated on the application form that they do not own the land in which the sign is sited on. Advertisement consent applications do not require notice to be given to any land owners and as such the application is valid. Notwithstanding this, the granting of advertisement consent does not negate the need for the applicant to secure the legal right to undertake the works.

The matter of the sign being close to an unrelated housing development, a previous unauthorised sign being erected and speeding traffic including HGV's are matters not relevant to the determination of this application for advertisement consent.

PLANNING ASSESSMENT

The advertisement signage that has been erected is of a relatively small size and scale and is positioned on the edge of an area of landscaped open space. It is related to land some 500m to the north which has planning permission for a new housing development with which its display is functionally related. It is of a form and appearance that is similar to other advertisements related to the sale of new houses within housing developments in East Lothian. Therefore, provided the timing of the display of the advertisement is

controlled to 5 years or to coincide with the sale of the last property to be erected on the land of the housing development to which the advertisements relate, whichever is the sooner, a matter which can be controlled by a condition imposed on a grant of advertisement consent, then the advertisement is not unacceptable. Consequently and by its overall sizes, position, colour and design, the advertisement does not appear as a harmfully prominent, intrusive or incongruous feature and thus is not harmful to the visual amenity of the area.

The **Council's Road Services** raise no objection to this advertisement consent application. It can therefore be reasonably concluded that, in its position, the advert does not cause undue driver distraction or impede sightlines to the detriment of public safety.

On all of the above considerations, it can be concluded that the advertisement is not harmful to amenity or public safety.

CONDITION:

- 1 This grant of express consent shall expire on 9th July 2029, or on completion of sale of the last property to be erected on the land of the housing development to which the advertisements relate, whichever is the sooner, after which date the advertisements shall have been removed from the site and the land made good to the agreement of the Planning Authority.

Reason:

In the interest of safeguarding the visual amenity of the area and pursuant to Part V 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

