

EAST AYRSHIRE COUNCIL

SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 19 AUGUST 2010

**10/0456/PP CHANGE OF USE FROM PUBLIC OPEN SPACE TO FORM
COMMUNITY GARDEN WITH MODULAR CABIN ETC AND ERECTION OF
2.4M BOUNDARY FENCE
AT LAND ADJACENT TO SHIELD ROAD AND CATHERINE DRIVE
JUNCTION. GALSTON**

**BY EAST GAUCHALLAND TENANTS AND RESIDENTS ASSOCIATION,
GALSTON**

Click for application details:

<http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=10/0456/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal is to construct a small community garden with green/bio dome, portable modular building for storage of tools, picnic tables and raised planter beds, surrounded by a 2.4 metres galvanised steel palisade fence.

2. RECOMMENDATION

2.1 **It is recommended that this application for planning permission should be approved subject to the conditions indicated on the attached sheet.**

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is in accordance with the Development Plan. The proposal will allow for increased community facilities in the area and will have both social and economic benefits for the local community.

3.2 There are no material considerations relevant to the application that would indicate that approval would be inappropriate.

Alan Neish
Head of Planning and Economic Development

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 Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination, an application for planning consent, which is to be considered by the Special Northern Local Planning Committee under the scheme of delegation as this Council has a land ownership interest.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in an area of inter war local authority built housing on the western edge of Galston. There is an area of open space with play facilities to the south of the application site, and to the immediate east is a substation and general convenience store and hot food shop. There are garages to the north of the site, serving the housing nearby. The adjacent corner of Catherine Drive and Shields Road has a planted area with shrubs.

2.2 **Proposed Development:** The proposal is to construct a small community garden with green/bio dome, portable modular building for storage of tools, picnic tables and raised planter beds, surrounded by a 2.4 metres galvanised steel palisade fence.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council (Environmental Health) have no objection or comments with regard to the proposal.

3.2 East Ayrshire Council (Roads) have no objections.

3.3 East Ayrshire Council (Outdoor Amenities) have no objections subject to the provision of a suitable fence between the application site and the area still maintained by Outdoor Services. Additionally, the applicants will require to be responsible for the uplift from the site of any litter.

Noted, this can be covered by conditions attached to any grant of consent.

3.4 Scottish Environment Protection Agency has submitted their standing advice on small developments. Any issues relating to this can be covered by advisory note or condition should Members decide to grant consent.

4. REPRESENTATIONS

4.1 No letters of objection have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

Adopted East Ayrshire Local Plan (EALP) (2003)

5.1 There are no local plan policies that directly address the development of community gardens within settlement boundaries. The proposal will, however, provide for a new community facility on a piece of open space that is not safeguarded within the adopted local plan and is broadly in line with Policy CS1.

The proposal would lead to improved facilities in the area which would be of benefit to a wide sector of the community.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan Finalised Version with Modifications, consultation responses and representations, and the planning history of the site.

Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 As above, the proposal is considered to be in accordance with CS1 of the Alteration, whereby the Council will respond positively to the changing needs and demands for all community facilities, including sporting and leisure facilities.

The proposal would lead to improved facilities in the area which would be of benefit to a wide sector of the community.

Consultation Responses and Representations

6.3 The consultation responses have been addressed in Section 3 of the report and the replies received support the proposed works, or raise no outstanding issues that would warrant refusal of this application.

6.4 No objections have been received.

Planning History

6.5 There is no planning history for this site that would warrant refusal of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council is the landowner of the land in relation to this application, however if Members choose to grant consent the application does not require to be referred to the Scottish Government under Circular 3: 2009 'Notification of Planning Applications'.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is in accordance with the Development Plan. The proposal will allow for increased community facilities in the area and will have both social and economic benefits for the local community.

8.2 There are no material considerations relevant to the application that would indicate that approval would be inappropriate.

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9. RECOMMENDATION

9.1 It is recommended that this application for planning permission should be approved subject to the conditions indicated 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 Economic Development, the application would not require to be referred to the Council because that would not be a significant departure from Policy.

Alan Neish
Head of Planning & Economic Development

11 August 2010
MF

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations Responses
4. Adopted East Ayrshire Local Plan.
5. Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications
6. Kilmarnock Town Centre Strategy
7. Conservation Area Management Plan

Anyone wishing to inspect the above papers please contact Marion Fergusson, Senior Planning Officer, on 01563 576769.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0456/PP

Location	Land Adjacent To Shield Road And Catherine Drive Junction Galston
Nature of Proposal:	Change of use from public open space to form community garden with modular cabin etc and erection of 2.4m boundary fence
Name and Address of Applicant:	Mr Frank Dawson 40 Catherine Drive Galston KA4 8BS
Name and Address of Agent	

Officer's Ref: Marion Fergusson
01563 576769

The above Planning Permission application should be approved subject to the following conditions:

1. The applicant shall ensure that all litter is uplifted from the site and disposed of to a suitable, licensed facility.

Reason: In the interests of residential amenity.

2. The modular cabin shall be maintained in a neat and tidy condition at all times.

Reason: In the interests of visual and residential amenity.

3. If the community garden hereby approved ceases to operate, the land shall be returned to public open space in accordance with a landscaping scheme submitted to, for approval in writing by, the Planning Authority within one month of the garden ceasing to operate. All approved works shall be carried out on site within 3 months of the landscaping scheme being approved by the Planning Authority.



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Reason: In the interests of visual amenity.

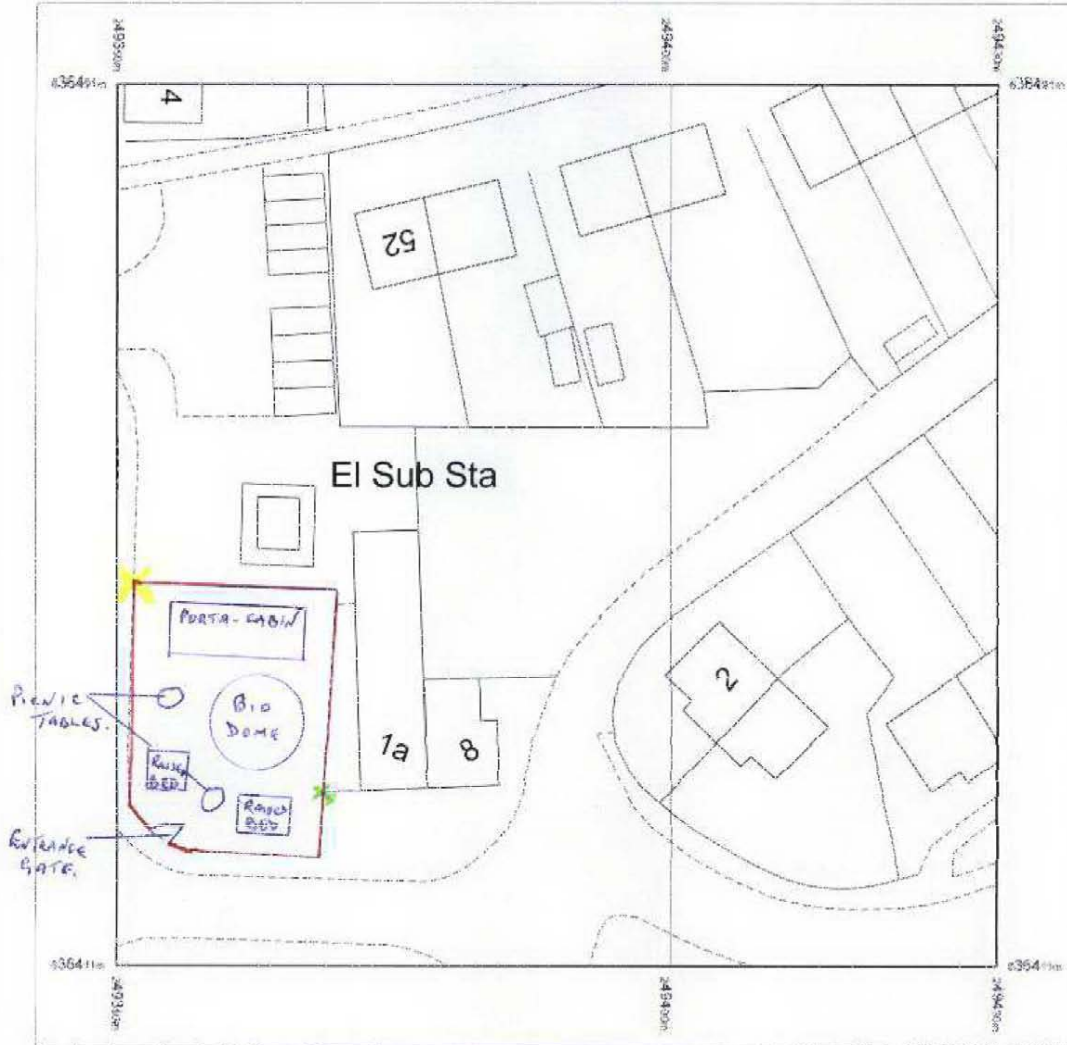
Reason for the Decision

The proposed development is consistent with the development plan and there are no material considerations that would indicate that the application should be refused.



<p>Title/Location Shield Road/Cathrine Drive</p> <p> Galston</p> <p> Application No. 10/0456/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk</p> <p>Com Date: 19/08/2010</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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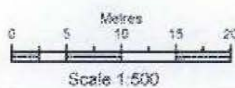
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