

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 29 JANUARY 2010

**09/0816/PP: FORMATION OF CAR PARK AND ASSOCIATED
ENVIRONMENTAL IMPROVEMENTS
AT CHURCH LANE AND CHURCH LANE CAR PARK, GALSTON
BY EAST AYRSHIRE COUNCIL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application relates to the formalisation of the car parking area through the creation of 18 car parking bays and 2 accessible bays using asphalt and paving setts and blocks. The proposal also includes the provision of landscaping, cycle stands, a cctv column, lighting and bollards.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to conditions.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to the application and it is considered that these are not of sufficient weight to merit refusal of the application.

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 will not require to be referred to Full Council as this would not be a significant breach of policy.

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 permission which is to be considered by the Local Planning Committee under the scheme of delegation as the Planning Authority is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of informal car park located off Church Lane within the Galston Outstanding Conservation Area. The site is bounded to the west by the rear elevations and gardens of properties fronting Church Lane and Cross Street. To the east the site is bounded by the Burn Anne with residential and business premises on the other bank. To the north of the site are residential and business premises and to the south is a private car park.

2.2 **Proposed Development:** The application relates to the formalisation of the car parking area through the creation of 18 car parking bays and 2 accessible bays using asphalt and paving setts and blocks. The proposal also includes the provision of landscaping, cycle stands, a cctv column, lighting and bollards.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal but note that the width of the lane may result in vehicles backing up whilst waiting to enter Church Lane and that the bollard locations at the car park entrance could create difficulties for vehicles delivering to the adjacent factory.

Any waiting to access Church Lane will be minimal given the size of the car park, the good visibility and the various passing opportunities. A condition can be attached to any consent with

regard to exact bollard positions or other measures as an alternative to the bollards.

3.2 East Ayrshire Councils Contaminated Land Officer has no objection to the proposal in principle but recommends use of a condition regarding any unsuspected contamination found during site works.

A condition can be attached in this regard.

3.3 Coal Authority has no specific comments on the application.

Noted.

3.4 West of Scotland Archaeology Service (WOSAS) has not objected to the proposal. However, WOSAS consider that it is possible that significant archaeological deposits and features from the earliest stages of this part of the town's development may survive below the modern hard surfaces which are present across the site.

Should planning permission be granted a condition could be attached to any consent to address this issue.

3.5 Scottish Civic Trust has no objections to the application.

Noted.

3.6 East Ayrshire Council Roads Flooding Section have advised that a proposed method to attenuate the 1:200 year flood event is acceptable however the detail of this still requires to be submitted for consideration.

A condition can be attached to any grant of planning consent to ensure that the car park drainage is adequately addressed prior to the commencement of development.

3.7 Historic Scotland has no comments to make on the application.

Noted.

3.8 East Ayrshire Council Access Panel North and Galston Community Council have not responded at the time of writing.

Noted.

4. REPRESENTATIONS

4.1 Two letters of objection and one letter of support have been received in connection with the application. The points of objection and support are summarised as follows:

4.2 The bollard location will inhibit the passage of lorries which will make deliveries to the factory in Church Lane difficult.

The exact bollard location or a suitable alternative can be addressed through planning condition and in consultation with the Roads Division.

4.3 The location of the disabled parking bays cut off my access and cause an inconvenience as they are located at the rear of my shop where the loading and unloading of stock takes place.

This is a private legal matter that is not material in the determination of this application.

4.4 The surface treatment and provision of a fence along the Burn are to be welcomed. The relocation of the CCTV camera to view all the car park and Church Lane should be considered however as should continuing the upgrade into the Polwarth Street end of Church Lane.

The CCTV camera is located in such a position as to monitor the site whilst causing little or no impact to the residential amenity of the surrounding properties. Whilst the wish to continue the works is noted, this is not a matter that can be addressed under the current planning application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (2003).

Adopted East Ayrshire Local Plan

5.2 Policy ENV 4 requires that all development within the Conservation Area be sympathetic to the area concerned.

The proposal accords with Policy ENV4.

5.3 Policy ENV6 states that The Council will actively encourage and support the natural and built environment in accordance with the Local Plan Environment Development Strategy (LPEDS).

It is considered that the proposal accords with Policy ENV6.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the Alteration to the East Ayrshire Local Plan and the impact on the amenity of the area.

Consultation Responses and Representations

6.2 These do not indicate that the application should be refused.

Alteration to the East Ayrshire Local Plan: Finalised Draft with Modifications

6.3 Policy ENV7 is relevant and seeks to ensure that development within a Conservation Area preserves or enhances its setting.

It is considered that the proposal accords with Policy ENV7.

Impact on the Amenity of the Area

6.4 It is considered that the proposal will result in an improvement to the visual amenity of the area as the site status is currently undefined although informally used as a car park.

Letters of representation

6.5 The points raised by the objectors are noted and a planning condition to agree the finalised bollard positions or an appropriate alternative could address this concern. The access issue raised by the objector is a private legal matter that is not material in the consideration of this application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council arising from this application; other than that the works are proposed by the Council.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to the application and it is considered that these are not of sufficient weight to merit refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to conditions.

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 will not require to be referred to Full Council as this would not be a significant breach of policy.

Alan Neish
Head of Planning and Economic Development

19 January 2010
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. Alteration to the East Ayrshire Local Plan

Anyone wishing to inspect the above papers please contact David Wilson, Acting Senior Planning Officer, on 01563 576779.

Implementation Officer: David Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

09/0816/PP

Site of Proposal:	Church Lane and Church Lane car park, Galston
Nature of Proposal:	Formation of car park and associated environmental improvements
Name & Address of Applicant:	East Ayrshire Council 6 Croft Street Kilmarnock KA1 1JB

DPOs Reference: DW/KW

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

1. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of the protection of any archaeological remains

2. Notwithstanding the plans and details approved, the bollard positions are not hereby approved. Further details and positions of the bollards or a suitable alternative shall be submitted to and approved by the Planning Authority prior to any development commencing on site and shall be implemented on site as approved thereafter.

Reason: To ensure that adequate manoeuvring space is available on Church Lane in the interests of road safety.

3. Should any unsuspected contamination be encountered during the proposed works, the Planning Authority shall be informed accordingly and thereafter be provided with written details of any required remedial measures formulated to address the risk of exposure to key receptors for its written approval. Upon completion of works the Planning Authority shall be informed in writing, confirming that all approved remedial measures have been undertaken.

Reason: To ensure that any contamination is appropriately addressed in the interests of public health.

4. Prior to the commencement of development, details of the proposed site drainage to address a 1:200 year flood event shall be submitted for the written approval of the Planning Authority in consultation with the Roads Division and shall thereafter be implemented on site as approved prior to the use commencing, and maintained thereafter.

Reason: To ensure that adequate site drainage is provided for the development.