

**EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 29 JANUARY 2010**

**09/0572/PP: VARIATION OF CONDITION NO 1 OF PLANNING CONSENT  
07/0536/FL TO RENEW THE DATE OF COMMENCEMENT OF  
DEVELOPMENT FOR A 12 MONTH PERIOD AND TO VARY THE TIME  
PERIOD FOR THE EXTRACTION AND RESTORATION FROM 6 MONTHS TO  
9 MONTHS  
BY ALL SEASONS (DEVELOPMENTS) LTD  
AT THE MEADOWS A71 GALSTON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The application relates to the variation of condition number one of planning consent 07/0536/FL to renew the date of commencement of development for a twelve month period and to vary the time period for the extraction of the minerals and restoration works from 6 months to 9 months to enable flexibility around weather conditions.

1.2 In relation to the current proposal, planning consent 07/0536/FL approved the extraction of 40,000 tonnes of minerals comprising sands and gravels and the transfer of the extracted minerals across the A71 to the existing mineral processing plant located in the northern part of the application site. After the sands and gravels have been processed they will be stockpiled within the application site for future input to the infrastructure and landscaping of the proposed tourism and leisure development site on the north side of the A71.

1.3 Condition number one of planning consent 07/0536/FL indicates that the extraction of minerals shall commence within twelve months of the date of the notice of decision (12<sup>th</sup> September 2008) and that all extraction and restoration shall be completed within six months of the date of the commencement of development.

1.4 The current application to vary condition 1 of planning consent 07/0536/FL proposes that the development would commence within twelve months of any planning decision date but that the time period for the extraction of the minerals and the restoration of the site would be 9 months instead of the previously consented 6 month.

1.5 The applicant has submitted information which indicates that the excavation works will be completed in three months with restoration taking place in the following three months but that this will be weather dependant and that the

current proposal to vary this time period to 9 months provides flexibility to account for any possible adverse weather conditions encountered during the works.

## **2. RECOMMENDATION**

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

## **3. CONCLUSIONS**

3.1 As indicated in the report, there are no relevant Development Plan policies in relation to the application. Therefore in accordance with Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997 the application requires to be determined on material considerations.

3.2 There are material considerations, in particular the extant planning consent 07/0536/FL. Given that the proposal relates to a short term period of mineral extraction and restoration of the site around the lochan, it is considered that there would be no significant long term adverse impacts on the surrounding area. Approval of this application would not introduce commercial activity to the application site for the first time as the site on the northern side of the A71 has an established lochan and landscaped area associated with the initial extraction of sand and gravel.

## **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 represent a significant departure from 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 where a recommendation of approval would be a significant departure from the Local Development Plan.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site measures approximately 10.67 hectares and is located both to the north and the south of the A71 between Hurlford and Galston. The northern part of the application site is bounded to the north, west and east by the existing Meadows lochan. The southern part of the application site is bounded to the north by the A71 road, to the south by Barr Wood and to the west and east by open fields. The southern side of the application site, where it is proposed to extract the minerals, slopes downwards from south to north.

2.2 **Proposed Development:** The application relates to the variation of condition number one of planning consent 07/0536/FL to renew the date of commencement of development for a twelve month period and to vary the time period for the extraction of the minerals and restoration works from 6 months to 9 months to enable flexibility around weather conditions.

2.3 In relation to the current proposal, planning consent 07/0536/FL approved the extraction of 40,000 tonnes of minerals comprising sands and gravels and the transfer of the extracted minerals across the A71 to the existing mineral processing plant located in the northern part of the application site. After the sands and gravels have been processed they will be stockpiled within the

application site for future input to the infrastructure and landscaping of the proposed tourism and leisure development site on the north side of the A71.

2.4 Condition number one of planning consent 07/0536/FL indicates that the extraction of minerals shall commence within twelve months of the date of the notice of decision (12<sup>th</sup> September 2008) and that all extraction and restoration shall be completed within six months of the date of the commencement of development.

2.5 The current application to vary condition 1 of planning consent 07/0536/FL proposes that the development would commence within twelve months of any planning decision date but that the time period for the extraction of the minerals and the restoration of the site would be 9 months instead of the previously consented 6 month.

2.6 The applicant has submitted information which indicates that the excavation works will be completed in three months with restoration taking place in the following three months but that this will be weather dependant and that the current proposal to vary this time period to 9 months provides flexibility to account for any possible adverse weather conditions encountered during the works.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division, East Ayrshire Councils Environmental Health and East Ayrshire Council Roads Division Flooding Section have no objection to the proposal.

***Noted.***

3.2 Galston Community Council has objected to the application. The Community Council objects to the extension of time period for the extraction of the minerals from 6 months to 9 months as the road traffic on this stretch of road is extremely busy and any time extension will lead to further risk of accident. The Community Council considers this would roll over to winter time and hours of poor daylight and that the public are going to be inconvenienced enough with 6 months of speed limits of 30mph without further time extensions.

***It is acknowledged that the proposals will result in a longer time period where the speed limit on the A71 road would require to be restricted. However, it should be noted that the Council's Roads Division has not offered any objection to the current proposal and that the applicant still requires to conform to the original conditions imposed under planning consent 07/0536/FL which include***

***suspensive planning conditions in relation to traffic management for the development.***

3.3 Scottish Environment Protection Agency (SEPA) has no objection to the proposal and states that the proposed change in condition has no bearing on flood risk considerations with regard to this development and the Flood Risk Assessment is unchanged from the previous consent 07/0536/FL.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection from Galston Community Council has been received in connection with the application. The points of objection are dealt with at section 3.2 of this report.

#### **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 There are no relevant planning policies in relation to the application.

#### **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, the planning history of the site and the impact on the amenity of the area.

##### Consultation Responses

6.2 Galston Community Council has objected to the application. The terms of the objection are summarised at Section 3 of this report and are not considered to merit the refusal of the application. None of the remaining consultees have objected to the application.

##### Representations

6.3 No representations were received in connection with the application.

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

6.4 There are no relevant planning policies in relation to the application.

### Planning History

6.5 Planning permission 96/0357/OL was granted on 03 June 1997 for proposed chalet/crannog units with landscaping paths, access roads and parking on the north side of the A71.

6.6 Planning permission 96/0359/FL was granted on 03 June 1997 for the removal of minerals to form lochan further to permission KL/E/OL/92/253D; (north side of A71).

6.7 Planning permission 99/0178/OL was granted on 28 June 1999 for the renewal of planning consent KL/E/OL/92/253D for hotel/restaurants/retails garden centre/filling station, tourist and nature development; (north side of A71).

6.8 Planning permission 01/0190/FL was withdrawn by the applicant on 26 April 2004 for proposed outline application for residential, commercial and tourism related leisure facilities; (north side of A71).

6.9 Planning application 04/0720/OL – development of the site permitted by and subject to the conditions of outline planning permission ref KL/E/OL/92253D for proposed hotel and restaurant – application undetermined.

6.10 Planning permission 06/0639/FL was granted on 06 November 2006 for works relating to the construction of the lochan and landform and river bund; (north side of A71).

6.11 Planning permission 07/0536/FL was granted on 12 September 2008 for mineral extraction, processing of minerals, formation of lochan, erection of gateway sculptures and associated landscape works.

### Applicants Supporting Statement

6.12 The applicant has submitted a planning statement in support of the application. It should be noted that this statement reflects the development granted planning consent under 07/0536/FL with the exception of part 4.14. Part 4.14 of the applicant's statement indicates that;

*"It is estimated that the excavation works would be completed within three months with restoration taking place in the following three months, if commenced by mid summer, thereby avoiding wetter weather towards the end of the year. A*

*9 month total period is required to cover any weather difficulties experienced and for flexibility.”*

6.13 It is noted that the applicant’s supporting statement seeks to explain the requirement to extend the time period for the excavation of the minerals and the completion of restoration of the site from 6 months to 9 months to provide flexibility around weather conditions.

#### Impact on the Amenity of the Area

6.14 The extraction of minerals consented under planning permission 07/0536/FL is relatively small scale and the works are of a temporary nature as the applicant now proposes to extract the minerals and complete the restoration around the new lochan within a nine month time period. It is therefore considered that the proposal is of a temporary nature and would result in minimum disruption and minimum impact on the surrounding area.

6.15 The application site is not immediately adjacent to an area of large population with the nearest grouping of dwellings some 250 metres to the east at Barrwood Gate. It is therefore considered that the proposal which is of a temporary nature, will not result in a significant adverse impact on the amenity of the surrounding area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council arising from this application.

## **8. CONCLUSIONS**

8.1 As indicated in the report, there are no relevant Development Plan policies in relation to the application. Therefore in accordance with Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997 the application requires to be determined on material considerations.

8.2 There are material considerations, in particular the extant planning consent 07/0536/FL. Given that the proposal relates to a short term period of mineral extraction and restoration of the site around the lochan, it is considered that there would be no significant long term adverse impacts on the surrounding area. Approval of this application would not introduce commercial activity to the application site for the first time as the site on the northern side of the A71 has an established lochan and landscaped area associated with the initial extraction of sand and gravel.

## **9. RECOMMENDATION**

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

### **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 represent a significant departure from Policy.

19 January 2010  
(JL/KMc)

FV/DVM

**Alan Neish**  
**Head of Planning and Economic Development**

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Alteration to the East Ayrshire Local Plan
6. Planning permission 96/0357/OL
7. Planning permission 01/0190/OL
8. Planning permission 06/0639/FL
9. Planning permission 01/0190/FL
10. Planning permission 04/0720/OL
11. Planning permission 06/0639/FL
12. Planning permission 07/0536/FL
13. Applicant's supporting statement.

Anyone wishing to inspect the above papers please contact Jane Little, Senior Planning Officer, on 01563 576768.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

09/0572/PP

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Site of Proposal: The Meadows, Galston

Nature of Proposal: The variation of condition number one of planning consent 07/0536/FL to renew the date of commencement of development for a twelve month period and to vary the time period for the extraction and restoration works from 6 months to 9 months.

Name & Address of Applicant: All Seasons (Developments) Ltd  
The Meadows  
Galston  
KA4 8LB

Name and address of agent: Keppie Planning Ltd  
160 West Regent Street  
Glasgow  
G2 4RL

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DPOs Reference: JL/KMC

The above application for planning permission should be approved subject to the following condition:

1. The development hereby permitted shall enure for the benefit of the applicant only, and shall be commenced within 12 months of the date of this decision. The approved operations, including extraction and complete restoration, shall be completed within 9 months of the commencement date of the operations.

REASON: To ensure that the development, which is temporary in nature, is commenced within an acceptable timescale. The development is acceptable because of the individual circumstances pertaining to the applicant and on a temporary basis.