

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 MAY 2005

**05/0147/FL: PROPOSED INSTALLATION OF LPG TANKS AND GAS
DISPERSION WALL AND RAISING OF GROUND LEVEL
AT 22 MAIN ROAD, WATERSIDE
BY CASTLE DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought in retrospect for the below ground installation of three, two tonne LPG tanks and associated gas dispersion wall and for the infilling of ground in this area. The tanks are located in a pit 7.6 x 5.4 metres wide and 1.9 metres deep. The pit has been backfilled. The gas dispersion wall is shown as being 500 mm high above ground level and running along part of the south site boundary where its presence is required for safety reasons relative to the existing houses to the south. (A wall also forms part of the proposed boundary within the separate application for three terraced houses to the south west) The tanks would be provided with a vehicle access area. The submission has the site being landscaped other than where the tanks and the access are located. The application updates a current, still live application for the installation, alone, of LPG tanks in this vicinity. The tanks would serve the housing approved in this vicinity.

1.2 The applicants have submitted drawings showing the levels of this area. These indicate that in the south west of the site in the vicinity of the LPG tanks, and at a distance of some 10 metres from the new road, ground levels would be approximately 800 mm higher than footpath beside the new road access. In the remainder of the site closer to Main Road, the land is to be graded down and away from the new access road towards the east boundary of the site. This land will be lower than the proposed new access road by a metre or more.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 The application is for the raising of ground levels and the installation of LPG tanks and gas dispersion wall. As is indicated in section 5 of the report the planning application is in accordance with the Development Plan. The application should therefore be approved unless material considerations indicate otherwise.

3.2 The consultees are generally supportive of the application, with the exception of the Architectural Heritage Society of Scotland whose comments are not echoed by Historic Scotland. Issues of impact on the character of the listed building are not considered to merit refusal of the application.

3.3 The proposal is in retrospect and raises ground levels significantly changing the appearance of the area. However, it is not considered that this is to the detriment of the visual or heritage amenity of the area. Through landscaping, an attractive alternative to the previous industrial aspect can be secured. Care will be required to ensure that adequate drainage is in place; this can be secured by condition.

3.4 The LPG tanks are below ground and their impact will be confined in visual terms to boundary features and access area referred to previously in the report. Conditions will address how the specific area of the installation is demarcated and safeguarded from vehicle incursion.

3.5 The submitted letters of objection have been carefully noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation, particularly given the application of appropriate conditions to any consent granted.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not constitute a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

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, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present a full application for planning permission that is required to be considered by the Local Area Planning Committee because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located within Waterside village and comprises land to the south of a new access serving a housing development and to the west of Main Road. The application site lies across the access road from a Category 'B' listed mill and extends from Main Road down into the site towards where are proposed, within a separate application, three terraced houses.

2.2 **Proposed Development:** Full planning consent is sought in retrospect for the below ground installation of three, two tonne LPG tanks and associated gas dispersion wall and for the infilling of ground in this area. The tanks are located in a pit 7.6 x 5.4 metres wide and 1.9 metres deep. The pit has been backfilled. The gas dispersion wall is shown as being 500 mm high above ground level and running along part of the south site boundary where its presence is required for safety reasons relative to the existing houses to the south. (A wall also forms part of the proposed boundary within the separate application for three terraced houses to the south west) The tanks would be provided with a vehicle access area. The submission has the site being landscaped other than where the tanks and the access are located. The application updates a current, still live application for the installation, alone, of LPG tanks in this vicinity. The tanks would serve the housing approved in this vicinity.

2.3 The applicants have submitted drawings showing the levels of this area. These indicate that in the south west of the site in the vicinity of the LPG tanks, and at a distance of some 10 metres from the new road, ground levels would be approximately 800 mm higher than the footpath beside the new road access. In the remainder of the site closer to Main Road, the land is to be graded down and away from the new access road towards the east boundary of the site. This land will be lower than the proposed new access road by a metre or more.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the proposal.

Noted. Outwith the details contained within the indicated site boundary, one of the submitted drawings indicates traffic calming arrangements to Main Road. These do not form any part of this application.

3.2 Scottish Environment Protection Agency say that the source and nature of materials used to build up the land are unknown and consequently they cannot comment on the implications under the waste management legislation, the importation of waste material from other sites is regulated by the waste Management Licensing Regulations 1994 as amended. The applicant must identify the source and type of material used to raise the ground level to establish if it is suitable for purpose.

The applicants have confirmed that all materials used to infill any areas of the site have been generated from within the site boundary and no upfill materials have been imported. Only inert materials have been used with non-compactible materials, asbestos and waste having been removed.

Recognising the extent of the application site, it would be appropriate for a condition to be applied to any consent granted, requiring confirmation of the suitability of proposed drainage arrangements on site to accommodate surface water run-off without detriment to adjacent properties.

3.3 Moscow and Waterside Community Council have responded to their consultation objecting on the basis that one of the LPG tanks has been built on or close to the boundary with a neighbouring property. Detailed analysis of whether minimum separation distances have been met or the relevance of the gas separation wall are thus impossible.

Adjoining proprietors have raised issues in respect of incursions onto their property or works impacting on their property. These matters have been pursued where the issues are pertinent to the planning process; otherwise they are matters to be resolved legally between the parties concerned. The applicants have certified that they are sole owners of the site in question.

The application is accompanied by a Safety Assessment Report to inform the design of the LPG tank installation. Although not a statutory consultee, the Division has also consulted the Health and Safety Executive whose comments are listed below. The installation also requires the benefit of consent under the Building Scotland Acts. A building warrant has been issued for this installation, conditional upon complying with the requirements of the current code of practice for LPG tanks. It has been confirmed by Building Standards that there will require to be an armco or similar feature at the end of the access / service area to prevent vehicles accidentally making their way onto the area where the tanks are located. Additionally, a stob and wire fence or similar would be required to delineate the boundary of the facility; details of both can be secured by condition.

3.4 Historic Scotland offer no informal comments on the proposal.

Noted

3.5 Scottish Water has no comment to make other than asking that they are informed of any public sewers or water mains affected by the proposal.

Noted

3.6 East Ayrshire Council Outdoor Amenities has no objections subject to any maintenance or Community Service Account held land which may be damaged being reinstated to their satisfaction.

Noted. A note to this affect can be attached to any consent granted.

3.7 Architectural Heritage Society of Scotland state that they can neither support nor object to the LPG tanks, there appearing to be no other suitable site. They understand that the gas dispersion wall is to be 1.5 metres high and rendered. The wall will require to be properly constructed with drainage holes and any retaining facility as appropriate. Foundations dug for the retaining wall will require to safeguard tree roots. Landscaping should reduce the unsightly effect of the gas tank covers and control / meter boxes.

The proposal is to place a gas dispersion wall on top of an existing retaining wall, consequently there would be no fresh disturbance to root systems. The height above ground of the dispersion wall is shown as 0.5 metres.

Landscaping is indicatively shown on the submitted drawings. Full details of this can be required by condition.

They comment further that they object “in principle” to the raising of ground levels in front of the listed building. They suggest that if the road access is not deemed acceptable by the Council’s Roads Engineers, there may be an opportunity to reduce the infill in association with any redesign of the road.

The Roads Division is content with the access road as proposed.

If the gas tanks are to remain, they comment, they assume the infilling at the east of the site near the A719 will have to remain.

They suggest that if ground levels further west, in the area of three proposed new terraced houses, could be reduced then this would assist by lowering the height of those houses.

This will be addressed by the separate application for these houses.

3.8 East Ayrshire Council Environmental Health has no comments.

Noted

3.9 The Health and Safety Executive are not statutory consultees, there being no hazardous installation already in the vicinity. The HSE do not have a responsibility for the design of the tank installation but would, through their Construction Inspectors, have regard to the manner by which installations were constructed; ie the process of building the facility should be safe to site workers and those in proximity to the site. Nevertheless, they have been asked by the Division to comment informally on the Safety Assessment Report, only raising issues in respect of the design of a fence next to where the tanks are sunk and about tree branches overhanging the site. These derive from the LPG Gas Association code of practice.

Confirmation that the tanks are safely located and installed is a matter for the Building Standards Authority, regulated through issue of a Building Warrant.

A building warrant has been issued for the tanks as installed on site and with the gas dispersion wall as proposed, subject to compliance with the LPG tank code of practice.

3.10 East Ayrshire Council Trading Standards Service have no comments or observations to make on the proposal and comment that consultation with the enforcing authorities who may be Environmental Health or the Health and Safety Executive, should be undertaken.

These authorities have been consulted as indicated above.

4. REPRESENTATIONS

Letters of objection have been submitted from 4 individuals who reside locally, in addition to the objections submitted on behalf of the Community Council and the Architectural Heritage Society of Scotland. The grounds of objection relative to this proposal are as follows:-

4.1 The LPG tanks should be 3 metres from boundary walls and fences and, being less than that, it is illegally sited. The dispersion wall is not sufficiently high and there is a safety risk for the adjacent family. The wall is also proposed on land not in the control of the applicants. There will be a disturbance arising from vehicles filling the tanks as well as noise and pollution.

The submitted plans indicate that the LPG tanks are located at their nearest some 2 metres from the boundary. As discussed above, it is for the Building Standards process to determine the technical suitability of the installation and its siting. The applicants have confirmed that they are content that their proposals meet the relevant legislation and have submitted a Safety Assessment Report in support of that view. However, should Building Standards not be persuaded by this contention and should a further design consequently be required, and should that materially differ from any previous approval, another planning application would have to be lodged and assessed on its merits at that time. The process of topping up the oil tanks will occur at a distance from and at a lower level than the objector's house. The applicants have certified that they are the owners of the application site; any contention in this regard is a matter for resolution outwith the planning process.

4.2 The raising of land sloping towards their boundary raises a safety question for existing and new residents from water gathering and forming a ditch. The material placed on site has been formed on top of the original surface without drainage. Flooding will follow the new contours.

The gathering of water as described to the south of the access is a matter that has been raised with the applicants who comment that a ditch formed adjacent to the south boundary of the site would be drained via a field drain system. It is noted that there has been granted construction consent in respect of the access road. It is necessary that any planning consent granted has conditions attached which secure details of and the implementation of appropriate drainage for the area as a whole.

4.3 Maintain / replace existing services to 16 Main Road.

It would be for the developer to accommodate / maintain all existing service connections to this property. Failure to do so would potentially expose them to separate legal consequences.

4.4 The gas tanks and infrastructure will be 1 metre higher than the proposed road, at the level of the upper storey of 16 Main Road, will be visually overbearing and out of context with the Listed Building.

The tanks are located under ground at a distance of 35 metres from no 16 Main Road; the vehicle access area is some 25 metres distant. The ground, in the vicinity of the under-ground tanks, is approximately 800 mm higher than the proposed new access road. However the eastern half of this application site will be generally lower than the new road. Landscaping would be required by condition over the whole site other than where infrastructure is proposed. It is not considered that this arrangement will adversely affect the amenity of no 16 Main Road.

4.5 Services are being dumped out of sight of the new houses but in the setting of the Listed Building the view of which will be tarnished. The development adversely affects the architectural integrity of our listed building and the Waterside Bridge.

The tanks are located under ground at a distance of 35 metres from no 16 Main Road; the vehicle access area is some 25 metres distant. Landscaping would be required by condition over the whole site other than where infrastructure is proposed. It is not considered that this arrangement will adversely affect the character of the listed building at no 16 Main Road or the Waterside Bridge.

4.6 The development schemes are detrimental to the setting and character of

the environment when viewed from elsewhere because they raise levels above the original ground level. This is contrary to the local plan.

The consultations received indicate no objections from Historic Scotland. The consultation details included site sections illustrating the relationship between the application site and the listed building. It is considered that the proposal does not impact detrimentally on the character or setting of the listed building or the character of the area. Indeed a detailed planting scheme in the site will afford a level of visual amenity in excess of the view of industrial premises previously available.

4.7 The infilling creates public play / recreation areas to the detriment of the privacy and amenity of adjacent property.

The formation of the road is shown as being achieved through the use of substantial infilling of the area to the west of Main Road. This solution does create the potential for graded open space that might be subject to wider public use and could as a result impact on the privacy of 16 Main Road. Consequently it would be possible to attach a condition to any consent granted requiring landscaping details for the site to be agreed by the Planning Authority.

4.8 The application should be determined in the context of the Local Plan. The application should be advertised as not in accordance with the development plan.

The application has been advertised as affecting the setting of a listed building. In respect of the proposal's compliance with the Local Plan and the consequent need for advertising, please see section 5 below.

4.9 A number of submitted drawings indicate works / proposals with the view of extracting benefit without proper application; (references to "for future development").

Whilst there are references to the erection of two houses on one of the submitted drawings, these do not form part of the application and can, by condition, be excluded from any consent granted.

4.10 An independent survey should investigate flood risks arising from new levels.

As indicated above, the site has been subject of a flood risk assessment agreed by SEPA.

4.11 The plans are piecemeal without a single masterplan, making a fair and

reasonable assessment impossible. The application should be refused as incoherent and incomplete. The whole top of the site should be assessed in its entirety to appreciate contours and topography.

It is considered that there is sufficient information to hand to enable an informed decision on the application without submission of a “masterplan”.

4.12 There are so numerous material considerations pointing to the non-sustainability of the proposal that they need not be included.

Comment noted

4.13 The development is contrary to Local Plan policies RES4 (I), (ii), (iii) and (iv); RES5 (iii); RES8 (vi); ENV1; ENV4; ENV7; ENV8; ENV11; ENV12 (i) & (vi); ENV13 (i), (ii) & (iii); ENV14 (ii) & (iv); ENV17; ENV20 (I), (ii) & (iii)

For an assessment of the application against the Local Plan, please consider section 5 below.

4.14 A solid wall forming a boundary with adjacent property has disappeared due to the amount of infilling. The applicants have used our property to the benefit of their development. This is unacceptable.

***A boundary wall on the south boundary with the adjoining property is no longer visible further to the infilling works.
The applicants have certified that the site is in their ownership, however, and any decision issued does not remove any legal rights enjoyed by neighbouring proprietors.***

4.15 All current planning consents should be revoked and the Scottish Executive should call in this development application.

It is not considered that there is any basis for this contention.

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 (EALP).

5.2 Given the terms of this application, it is considered that it would be appropriate to determine the application against the Local Plan, the Structure Plan being focussed on matters of a more strategic nature.

Adopted East Ayrshire Local Plan

5.3 Having regard to the scope of the application, it is considered that there are no significant policy implications arising from the application. The application has not been advertised as development contrary to the development plan for that reason. However, it is appropriate to address the following Policy issues in that they have been specifically raised within objections received identifying the policies underlined below.

Policy SD1

5.4 SD1 confirms that the Council will adhere to the principles of sustainability in its consideration of all development proposals.

This application concerns installation of LPG tanks and infilling of ground. It is not considered that the principles of sustainability would impact adversely to any significant extent in the consideration of the proposal, although it is noted that no infilling materials have had to be brought to the site.

Policy RES 4 (i), (ii), (iii), (iv)

5.5 RES 4 encourages sympathetic gap and infill development on sites where four criteria are met.

This policy is not relevant in the determination of this application, the application not being for Residential Development.

Policy RES 5 (iii)

5.6 RES 5 encourages the subdivision of house curtilages subject to three criteria and addresses the issue of backland development.

Policy RES 5 relates only to developments where an existing house curtilage is to be sub-divided. This policy is therefore not applicable to this development.

Policy RES 8 (vi)

5.7 RES8 concerns the extent to which enabling development might be

permissible when associated with the renovation of large residential or institutional listed buildings.

Policy RES 8 relates only to enabling developments i.e. where new build housing is required to unlock the development potential of a large listed building. This policy is therefore not applicable to this development.

Policy ENV 1

5.8 ENV 1 states that the Council will seek to protect, preserve and enhance all heritage resources including listed buildings.

It is considered that the works will not impact adversely on the setting of the listed building. Historic Scotland have been contacted and do not object; the Architectural Heritage Society of Scotland's "in principle" objection is noted.

Policy ENV 4

5.9 ENV 4 seeks to ensure that all development affecting the appearance or setting of a listed building is sympathetic to the building concerned in terms of layout, size, design, siting, scale, materials and colour.

It is considered that this proposal would not impact adversely on the setting of the listed building. Historic Scotland have been contacted and do not object; the Architectural Heritage Society of Scotland's "in principle" objection is noted.

Policy ENV 7

5.10 ENV 7 requires all developers to comply with the Council's existing and emerging design guidance and policy documents advising on the particular type of development proposed.

The infill of land and design of LPG tanks is not covered in the guidance.

Policy ENV 8

5.11 ENV 8 encourages developers in formulating their proposals to ensure that a range of criteria are addressed, summarised as follows: accessible environment, traffic safety introduced, community safety and natural surveillance measures introduced, sustainability in design through recyclables and energy efficiency, designs are innovative and sensitive to the character of the area,

developments are landscaped to reflect and compliment the surroundings, integration of open space with existing areas.

It is considered that the proposal does not contravene any of the criteria listed in policy ENV 8. The proposal will not impact adversely on the character of the adjacent listed building.

Policy ENV 11

5.12 ENV 11 requires priority to be given, in Sensitive Landscape Character Areas, to the protection and enhancement of the landscape.

The application site is not located within a Sensitive Landscape Character Area therefore this policy is not applicable to the proposed development.

Policy ENV 12 (i) (vi)

5.13 ENV 12 requires development to respect the local landscape characteristics of the rural area and especially when in the Sensitive Landscape Character Areas. Features adding to landscape character are listed.

The application site is not located within a Sensitive Landscape Character Area nor indeed in a rural landscape, being within a settlement boundary, therefore this policy is not applicable to the proposed development.

Policy ENV 13 (i) (ii) (iii)

5.14 ENV 13 regulates development in rural areas and in Sensitive Landscape Character Areas to ensure that development is in keeping with the rural area, is sensitively sited and is achieved using appropriate planning mechanisms.

Policy ENV 13 relates to rural areas, and not land within settlement boundaries such as this proposal. This policy is not applicable to the proposed development.

Policy ENV 14 (ii) (iv)

5.15 ENV 14 seeks to ensure that development in rural areas shall have the minimum effect on those areas and lists a presumption against proposals having given adverse effects.

Policy ENV 14 relates to rural areas, and not land within settlement boundaries such as this proposal. This policy is not applicable to the proposed development.

Policy ENV 17

5.16 ENV 17 requires any developer intending to develop land where there is known to have been flooding in the past to fully investigate the flood risk on their proposals and on adjoining land; and take appropriate measures.

The applicants have submitted a flood risk assessment which addresses risk on the site and which has been agreed by SEPA. Drainage details for this infilled, landscaped area can be sought by condition.

Policy ENV 20 (i) (ii) (iii)

5.17 ENV 20 seeks to ensure that any new development has minimum adverse effects on the physical environment and the amenity of the area by reason of air, light and noise pollution, through the use of conditions or legal agreement as required.

The Environmental Health Division have no comments to make in respect of the application. Any potential for the area to be used for active recreation can be precluded through the introduction of a detailed landscaping scheme; thereby limiting the potential for noise from active play.

5.18 In conclusion, it is considered that the application is consistent with the development plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultations, representations, the impact of the proposal on the amenity of the area and immediate neighbours, Planning History and Scottish Planning Policy 7, "Planning and Flooding".

Consultations

6.2 The consultation responses received are supportive of the application, although certain matters will require addressing by condition. In particular, landscaping and drainage details should be agreed.

Representations

6.3 The objections are assessed in detail in Section 4 above. Careful consideration has been given to their content and to their relevance in respect of the development plan. Conditions attached to any consent can address some of the issues raised whilst it is not accepted that other comments are of sufficient weight as to merit refusal of the application.

Impact on the Amenity of the Area

6.4 The circumstances of the site are such that it is considered that the proposal can be accommodated without detriment to the area in respect of adjacent uses and built heritage.

Planning History

6.5 There is a complex history to the development of the site. The key applications are as follows:-

99/0829/FL Refurbishment of Listed Building to form 5 new flats and erection of 17 new houses. Granted 30/08/02.

01/0426/LB Refurbishment of Listed Building to form 5 flats. Granted 07/10/02

03/0010/FL Redesign access road. Granted 11/02/03.

03/1110/FL Erection of 12 two storey detached houses with access road and accommodated parking. Granted 29/11/04.

The following three applications are not determined and indeed may be revised / withdrawn in the light of decisions on the three most recent applications currently before Committee.

03/1094/LB Listed Building application for conversion to 3 townhouses. Not Determined.

03/1096/FL Full application for conversion to 3 townhouses and 3 two storey terraced houses. Not determined.

04/0901/FL Full application for erection of LPG tanks.

Three most recent applications:-

05/0119/FL Vertical and Horizontal Alignment of access road.

05/0147/FL Installation of LPG tanks, Gas Dispersion Wall and Raising of Ground Level

05/0160/FL Erection of three two storey terraced houses.

6.6 The Planning Authority have also had cause to serve two enforcement notices relating to the commencement of development prior to the discharge of all conditions, (03/1110/FL), and the undertaking of development at variance with issued consents and without the benefit of planning permission. Both notices have been appealed to the Scottish Ministers and will be considered at Public Local Inquiry. The former notice was accompanied by a Stop Notice, which has now been withdrawn by the Council following compliance with terms of that enforcement notice. The latter notice triggered applications 05/0119/FL and 05/0147/FL.

Scottish Planning Policy 7 “Planning and Flooding”

6.7 SPP7 indicates that flood risk is a material planning consideration. The Council’s Roads Division have taken account of its provisions when dealing with their response to consultations. The development is consistent with SPP7.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 The application is for the raising of ground levels and the installation of LPG tanks and gas dispersion wall. As is indicated in section 5 of the report the planning application is in accordance with the Development Plan. The application should therefore be approved unless material considerations indicate otherwise.

8.2 The consultees are generally supportive of the application, with the exception of the Architectural Heritage Society of Scotland whose comments are not echoed by Historic Scotland. Issues of impact on the character of the listed building are not considered to merit refusal of the application.

8.3 The proposal is in retrospect and raises ground levels significantly changing the appearance of the area. However, it is not considered that this is to the detriment of the visual or heritage amenity of the area. Through landscaping, an attractive alternative to the previous industrial aspect can be secured. Care will be required to ensure that adequate drainage is in place; this can be secured by condition.

8.4 The LPG tanks are below ground and their impact will be confined in visual terms to boundary features and access area referred to previously in the report. Conditions will address how the specific area of the installation is demarcated and safeguarded from vehicle incursion.

8.5 The submitted letters of objection have been carefully noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation, particularly given the application of appropriate conditions to any consent granted.

9. RECOMMENDATION

9.1 It is recommended that the application for full planning permission 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, Development and Building Standards the application will not require to be referred to the Development Services Committee as this would not constitute a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

20 May 2005 (DVM/SA)
FV-AN

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Planning Application History as noted.

Anyone wishing to inspect the above papers please contact David Morris on 01563 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0147/FL

Site of Proposal: 22 Main Road
WATERSIDE

Nature of Proposal: Proposed installation of
LPG tanks and gas dispersion wall and raising
of ground level

Name & Address of Applicant: Castle Developments Ltd
119 Cambuslang Road
Cambuslang
GLASGOW G72 7TS

Name & Address of Agent: Thomson Dawes Architects
21 Portland Road
KILMARNOCK KA1 2BT

DPOs Reference: DVM/SA

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

1. A landscaping scheme for the application site, other than areas occupied by the LPG tanks and the vehicle service / access area, including the treatment and means of maintenance, shall be submitted to and approved by the Planning Authority prior to commencement of any development. The details shall be such as to preclude the area's wider use for active play. The landscaping details shall thereafter be implemented as approved within the next appropriate planting season following completion of this development.

REASON To ensure that adequate treatment of the area of amenity open space is secured, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

2. Construction works associated with the development shall not be undertaken outwith the hours of 08:00 hours to 18:00 hours Monday to Friday, and 09:00 hours to 16:00 hours on Saturday and not at any time on Sunday.

REASON In order to protect the amenity of neighbouring properties.

3. Public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

4. Notwithstanding the details shown on the approved plan 34540, consent is not hereby granted for any houses shown as lying outwith the site and to the east of plots 4,5 and 6.

REASON The Planning Authority is not through the issue of this consent granting any development in the area so identified; no application for same having been submitted.

5. The proposed gas dispersion wall shall be rendered in a colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON: In the interests of visual amenity.

6. Prior to its installation on site, details of the materials to be used in the formation of the vehicle service / access area shall be submitted to and approved in writing by the Planning Authority and thereafter implemented as approved.

REASON: In the interests of visual amenity.

7. Prior to the use of the LPG tank installation, details shall be submitted to and approved by the planning authority showing the means of providing an armco or similar feature to prevent vehicles from accessing onto the site occupied by the LPG tanks from the service / access area. Details shall also be submitted of a fence to demarcate the position of the LPG tank installation within the site. The approved details shall be implemented prior to the use of the LPG tank installation.

REASON: In the interests of safety and visual amenity.

8. Prior to the use of the LPG tanks, details of the means of drainage of the site including the accommodation of surface water run off, shall be submitted to and approved by the planning authority and shall thereafter be implemented as approved.

REASON: In the interests of public safety and residential amenity.

Notes to Applicant:

1. If the developer discovers or becomes aware of any public utilities vested in Scottish Water, they should contact the Planning and Development Services section of Scottish Water immediately.
2. Any maintenance or Community Service Account held land, in the ownership of the Council, that may be damaged by the works hereby approved should be reinstated to their satisfaction.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**