

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 FEBRUARY 2002**

**00/0727/FL: PROPOSED ERECTION OF 25 HOUSES  
AT GATESIDE ROAD, GALSTON  
BY McTAGGART CONSTRUCTION**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 This full planning application proposes the erection of 25 detached houses utilising a horseshoe road layout. The dwellings will all be 2 storey with three bedrooms. The road layout is traffic calmed with each property having two off-street parking spaces. All of the properties are accessed from the new road layout. The development also benefits from two areas of amenity space. The site is bounded by new retaining walls to the east and west of the site. The new retaining wall on the eastern side of the site will be located within the existing hedge line that is protected by a Tree Preservation Order.

The proposed development will require improvement works to the road junctions at the entrance to the site from Gateside Road as well as improvements to the mini roundabout at the junction of Gateside Road, Brewlands Street, Ayr Road and Orchard Street to facilitate the development.

As part of the development, it is proposed to open up the culverted length of the Gauchalland Burn as it flows along the edge of the site. In accordance with the principles of Sustainable Urban Drainage Systems, the surface water from the development site will be discharged to this water course.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

**2.2 It is further recommended that planning consent should not be issued until a formal agreement under Section 75 has been satisfactorily concluded by the Solicitor to the Council with the applicants. Such an agreement shall secure the details referred to in Section 3.1 above.**

### **3. CONCLUSIONS**

3.1 As indicated at paragraph 5.2 above, the application is considered to be contrary to the Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is considered that the weight that should be attached to those material considerations should be greater than that given to the Ayr County Development Plan due to the age of that plan. Accordingly the proposal is considered to be acceptable, although the grant of planning permission should be withheld until the appropriate Section 75 Legal Agreement covering improvements to road junctions and access footpath has been concluded.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to Development Services Committee as it will be a significant departure in terms of the principle of the EALP.

**Alan Neish**  
**Head of Planning and Building Control**

**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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BY McTAGGART CONSTRUCTION**

**Report by Head of Planning and Building Control**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger application which accords with the Development Plan and is of area significance.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the south of Brewlands Street and is accessed from Gateside Road. The proposed development is separated to the south by a small burn from the St Mary's Holm recreational open space and to the east by an open field owned by the Church of Scotland. The site has a significant gradient from the northern Brewlands Street side to the St Mary's Holm resulting in a drop in ground level of 8 metres over the length of the site.

2.2 **Proposed Development:** This full planning application proposes the erection of 25 detached houses utilising a horseshoe road layout. The dwellings will all be 2 storey with three bedrooms. The road layout is traffic calmed with each property having two off-street parking spaces. All of the properties are accessed from the new road layout. The development also benefits from two areas of amenity space. The site is bounded by new retaining walls to the east and west of the site. The new retaining wall on the eastern side of the site will be located within the existing hedge line that is protected by a Tree Preservation Order.

The proposed development will require improvement works to the road junctions at the entrance to the site from Gateside Road as well as improvements to the mini roundabout at the junction of Gateside Road, Brewlands Street, Ayr Road and Orchard Street to facilitate the development.

As part of the development, it is proposed to open up the culverted length of the Gauchalland Burn as it flows along the edge of the site. In accordance with the principles of Sustainable Urban Drainage Systems, the surface water from the development site will be discharged to this water course.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that they have no objection to the proposal subject to a Section 75 agreement being signed for the road works. These road works will include the upgrading of the footpath from the entrance of the site to Brewlands Street and the upgrade of the roundabouts at the entrance of the site and at the junction of Gateside Road and Ayr Road/Brewlands Street.

***Noted.***

3.2 East Ayrshire Council Roads Division (flooding) have no objections to the development providing various works are carried out in relation to the burn at the southern side of the site.

***A condition can be attached to any grant of planning permission regarding the works required to the burn and culvert at the south of the site.***

3.3 Galston Community Council has not responded at the time of writing this report.

***Noted.***

3.4 The Coal Authority have identified that the development is within the likely zone of influence on the surface from previous workings (1919). Ground movement from these past workings should by now have ceased.

***Noted.***

3.5 The West of Scotland Water Authority have objections to the application as the reported cost identified for upgrading the system, downstream of the development, to allow for foul connection, is beyond West of Scotland Water Authority's cost criteria for contribution towards provision of infrastructure to serve the development.

***A suspensive condition can be attached to any grant of planning permission regarding the disposal of foul waste from the development site. A Section 75 Agreement will be required for the proposed works to the culvert at the south of the site.***

3.6 Transco have no objections to the proposal but have working requirements that should be adhered to by the developer.

***The developer has been made aware of Transco's working requirements.***

3.7 The Scottish Environment Protection Agency have no objections to the proposed development however ask that the developer treat the surface water in

accordance with the principles of sustainable urban drainage systems and that the developer accord with the principles of pollution prevention guidelines when carrying out construction work on the site.

***A note can be added to any grant of planning consent making the developer aware of SEPA's recommendations.***

#### **4. REPRESENTATIONS**

West of Scotland Water have objected to this application as detailed in Section 3.5 above.

#### **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 Adopted Ayrshire Joint Structure Plan and the Ayr County Development Plan 1953.

5.2 The Ayr County Development Plan identifies the development site as being of agricultural use. The proposed development is therefore contrary to the development plan. The aforementioned plan is significantly out of date and it is therefore considered that the application should be determined against the policies of the East Ayrshire Local Plan (Finalised Version with Modifications).

#### **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), consultations and objections as detailed above and the planning history.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) should be considered a prime material consideration.

6.3 Policy RES 1 of EALP states that the Council will encourage and support the residential development of those development opportunity sites identified for housing on the individual local plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

***The site is part of the identified housing site 109H in the EALP and therefore is in accordance with Policy RES 1 of the EALP.***

6.4 Policy RES 19 of the EALP states that all housing development should provide areas of recreational and amenity open space as an integral part of their development proposals.

***The proposed development provides 552 sq m of open space as an integral part of the development design and therefore meets the requirements of this policy.***

6.5 Policy RES 20 of the EALP states that areas of open space provided within developments require to be attractively planted, and where appropriate, use plant species to encourage wildlife.

***A condition can be attached to any grant of planning permission to ensure the area of open space is planted and maintained in the appropriate manner.***

### Planning History

- KL/E/81/206G - erection of house – withdrawn 15 May 1991
- KL/E/81/206F - extension to residential accommodation for the elderly – approval 14 June 1991
- KL/E/RM/81/206E - proposed development for dwellinghouses serviced plots – approved 24 October 1990
- KL/E/FL/81/206D - proposed erection of residential accommodation for elderly – approved 24 October 1990
- KL/E/OL/81/206C - proposed housing development – approved 06 June 1989
- KL/E/81/206B - proposed housing development – refused 13 June 1988
- KL/E/81/206A - outline permission for residential development – refused 17 June 1986

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

7.1 Should approval be agreed, a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be required to be prepared and recorded in the Register of Sasines. The agreement should contain provisions covering the matters referred to in Section 3.1 of this report with a view to securing appropriate road improvements.

## **8. CONCLUSIONS**

8.1 As indicated at paragraph 5.2 above, the application is considered to be contrary to the Ayr County Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. It is considered that the weight that should be attached to those material considerations should be greater than that given to the Ayr County Development Plan due to the age of that plan. Accordingly the proposal is considered to be acceptable, although the grant of planning permission should be withheld until the appropriate Section 75

Legal Agreement covering improvements to road junctions, works to culvert and watercourse and access footpath has been concluded.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

**9.2 It is further recommended that planning consent should not be issued until a formal agreement under Section 75 has been satisfactorily concluded by the Solicitor to the Council with the applicants. Such an agreement shall secure the details referred to in Section 3.1 above.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to Development Services Committee as it will be a significant departure in terms of the principle of the EALP.

**Alan Neish  
Head of Planning and Building Control**

22 January 2002  
(CSI/MMM/MLS)

FV/AN

## **LIST OF BACKGROUND PAPERS**

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Ayr County Development Plan 1953 and Galston Town Map.
4. East Ayrshire Local Plan (Finalised Version).
5. Approved Ayrshire Joint Structure Plan.
6. Approved Strathclyde Structure Plan.
7. Consultations.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0727/FL

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Site of Proposal:	Gateside Road GALSTON
Nature of Proposal:	Proposed Erection of 25 Houses
Name & Address of Applicant:	McTaggart Construction 36a Templand Road DALRY KA24 5EU
Name & Address of Agent:	AGM Architects Portland Business centre Portland Road IRVINE KA12 8JE

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DPOs Reference: CSI/MMM

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

1. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

2. No site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected to protect the hedging along the eastern boundary of the site. The fencing shall be erected in accordance with BS 5837.

Such fencing shall be maintained during the course of development and no storage, site structure, parking or any other operator shall be permitted within the area unless express permission is granted in writing from the Planning Authority.

REASON To ensure the retention of the hedge on the site and its protection from damage in the interests of visual amenity.

3. The existing hedge along the eastern boundary of the site shall be retained intact, infilled where necessary, and maintained thereafter to the satisfaction of the Planning Authority.

REASON To maintain the contribution of the existing features to the quality of the area in the interests of visual amenity.

4. Details of the design, construction and external material of all fences and walls and retaining walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

5. Notwithstanding the plans hereby approved, the details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

6. A landscaping scheme including the treatment of the boundary of the site areas for public open space and play areas shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented prior to the occupation of the first dwelling on the development.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

7. No development shall commence on site until construction and technical details are provided and approved by the Planning Authority of the Sustainable Urban Drainage System and necessary works to the Gauchalland Burn. Such approved works shall be completed prior to the occupation of any dwelling.

REASON To ensure the provision of Sustainable Urban Drainage System.

8. No development shall commence on site until authorisation has been given by West of Scotland Water Authority for connection of the foul drainage system to the public sewer. Confirmation of the authorisation to connect shall be provided to the Planning Authority for approval before commencement of the development.

REASON In the interests of public safety.

#### NOTES:

1. The Developer is strongly advised to make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their request to utilise a Sustainable Urban Drainage System, (SUDS), with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2. Following the advice in Note 1 above, the developer is advised that the Council does not currently have a general agreement with WOSWA in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA. The developer should not assume that that East Ayrshire Council will undertake maintenance unless there is a site specific agreement to that effect. Where the developer makes his own maintenance arrangements, the Council will require to be convinced that these will work without impact on Council interests.

**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.**

**AGENDA**