

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
17 FEBRUARY 2006**

**05/1227/FL: PROPOSED INFILLING UNDER STRUCTURE AND FORMING OF
EMBANKMENTS, REMOVAL OF PARAPET WALLS AND ERECTION OF
POST AND RAIL FENCES
AT REDUNDANT RAILWAY BRIDGE (GRO4), OFF A71. GALSTON ROAD,
HURLFORD, KILMARNOCK, KA1 5JB
BY BRB RESIDUARY LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal consists of the infilling of the ground under the bridge structure, the forming of embankments, removal of parapet walls from the existing bridge structure and the erection of post and rail fences on the bridge structure. The applicants have advised that there is a diagonal fracture running from the north east to south west corner of the arch of the bridge and where the fracture passes through the crown of the arch a number of stones have dropped by approximately 45mm, furthermore a number of stones in the arch soffit are loose or have fallen out and there are a number of fractures and deep open joints apparent in other areas on this structure. The structural engineer's assessment states that the nature of the defects are such that repair is not considered to be an effective long term and engineering solution to the problem. The works will necessitate the removal of four trees and a 50 sq metre devegetation to accommodate the proposed embankment works.

2. RECOMMENDATION

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

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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

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 that would not be considered a significant departure from Council 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 for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that an objection has been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a former railway embankment bridge structure which supports a minor road leading from the A71, Galston Road, Hurlford to Skerrington Mains Farm located on the outskirts of Hurlford. The site is approximately 0.05 hectares in area and is surrounded by agricultural land.

2.2 **Proposed Development:** The proposal consists of the infilling of the ground under the bridge structure, the forming of embankments, removal of parapet walls from the existing bridge structure and the erection of post and rail fences on the bridge structure. The applicants have advised that there is a diagonal fracture running from the north east to south west corner of the arch of the bridge and where the fracture passes through the crown of the arch a number of stones have dropped by approximately 45mm, furthermore a number of stones in the arch soffit are loose or have fallen out and there are a number of fractures and deep open joints apparent in other areas on this structure. The structural engineer's assessment states that the nature of the defects are such that repair is not considered to be an effective long term and engineering solution to the problem. The works will necessitate the removal of four trees and a 50 sq metre devegetation to accommodate the proposed embankment works.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections subject to the imposition of a condition pertaining to the developer submitting an acceptable traffic management statement prior to commencement of works to ensure that access to the residential properties is maintained at all times. In addition the Division have confirmed they have no comments relating to flooding issues.

Should the Committee be minded to approve the proposal a condition can be attached relating to the above matter.

3.2 East Ayrshire Council's Access Officer has not responded in respect of the proposal.

Noted.

3.3 Scottish Water have raised no objections to the proposal, however advises that if the applicant subsequently discovers or becomes aware of any public waste water sewers/ water mains affected by the proposed development they must notify Scottish Water's Planning and Development Services section immediately.

A note can be attached to any grant of planning consent addressing the matter outlined above.

3.4 Scottish Environment Protection Agency (SEPA) have not responded in respect of the proposal.

Noted.

3.5 Hurlford Community Council have not responded to the proposal.

Noted.

4. REPRESENTATIONS

One letter of objection has been received in relation to the proposal and the grounds of objection are summarised below;

4.1 The works will involve the encroachment and sterilisation of significant areas of Mr Young's land, the proprietor of Skerrington Mains Farm, which is not acceptable to him.

This is not a material planning consideration and is a private legal matter between the landowner and the applicant.

4.2 The works will exacerbate existing traffic safety hazards caused by the bridge which will affect both the operation of the farm steading and the occupiers of the four dwellinghouses. There are alternative design possibilities that would significantly reduce the existing hazard, however these do not appear to have been considered.

As detailed in section 3.1 the Council's Roads and Transportation Division have no objections to the application and the proposal is considered to be an acceptable engineering solution to the problems of the bridge.

4.3 Any works for treatment of the bridge would involve closure of the road for a significant period which would be unacceptable to the proprietors of Skerrington Mains Farm and the occupiers of the adjacent dwellinghouses.

As detailed in section 3.1, at the recommendation of the Council's Roads and Transportation Division a condition can be attached to any grant of planning consent requiring the developer to submit an acceptable traffic management statement prior to commencement of works to ensure that access to the residential properties is maintained at all times.

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 (2003).

Ayrshire Joint Structure Plan

5.2 With regard to the Structure Plan there are no policies relevant to the assessment of this application.

East Ayrshire Local Plan

5.3 Policy ENV12 seeks to ensure, especially in the Sensitive Landscape Character Areas, that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area within which they are proposed. Developers will be expected to conserve and enhance and reinstate or replace where appropriate those features which contribute to the intrinsic landscape value and quality of the area concerned.

The proposal seeks to address structural defects to a bridge that provides essential access to residential dwellings and a farm steading within the rural area. It is considered that the proposed works, although not within a Sensitive Landscape Area, will have a minimal visual impact on the Rural Protection Area.

In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

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 and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representation received has been summarised in Section 4 of the Report and is not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposal seeks to remedy structural defects to a bridge crossing which are considered essential maintenance works to prevent further decay of the structure. It is considered that the works will have a minimal impact to the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

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 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

9. RECOMMENDATION

9.1 It is recommended that the application 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, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be considered a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

GC/RH
08 February 2006
FV/DVM

051227FLA71GalstonRoadHurlfordRH

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).

Implementation Officer: Dave Morris

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

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1227/FL

Site of Proposal:	Redundant Railway Bridge (GRO4), off A71 Galston Road, Hurlford, Kilmarnock, KA1 5JB
Nature of Proposal:	Infilling Under Structure and Forming of Embankments, Removal of Parapet Walls and Erection of Post and Rail Fences
Name & Address of Applicant:	BRB Residuary Ltd Hudson House Toft Green York, YO1 6HP
Name & Address of Agent:	Jacobs West Offices City Business Centre Station Rise York, YO1 6HT

DPOs Reference: GC/RH

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

1. Prior to the commencement of any works on site, details of a traffic management scheme shall be submitted to and approved in writing by the Planning Authority. Thereafter, the traffic management scheme shall be implemented in accordance with the approved scheme and maintained for the duration of the works.

REASON To ensure that access to the residential properties and farm is maintained at all times.

NOTE TO APPLICANT

1 Should the developer become aware of any public waste water sewers/ water mains affected by the proposed development, they must notify Scottish Water, Planning and Development Services Section, immediately.

**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.**