

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
16 JUNE 2006**

**06/0333/FL: AMENDMENT TO CONDITION 17 OF CONSENT NO. 02/0983/FL
AT BREWLAND STREET, GALSTON, KA4 8DX
BY K G BUILDING AND CIVIL ENGINEERING**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 **Proposed Development:** Planning permission 02/0983/FL, for the erection of 32 houses was considered and granted planning permission at the Local Planning Committee on 4 April 2003. The formal consent was issued on 29 June 2004 following the signing of the S.75 Legal Agreement connected to the application.

1.2 The current application seeks to amend condition 17 of the original planning consent which stated that "construction works shall not be undertaken on site outwith the hours of 0900 hours to 1800 hours Monday to Friday and 0900 hours to 1600 hours on Saturday and not any time on Sundays". The application seeks to amend the condition to permit the hours of operation to commence from 0800 hours.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the indicated amendment to Condition 17.**

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 and these do not indicate that the application should be refused.

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 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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**06/0333/FL: AMENDMENT TO CONDITION 17 OF CONSENT NO. 02/0983/FL
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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 the application seeks to amend a condition on an application determined by the Local Planning Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises some 4 acres and is located to the south of the Manse and Nursery School on the south side of Brewland Street, Galston, from which vehicular access is gained. The site is bounded to the west by housing, to the south by a burn and St Mary's Holm Park, to the east by properties on Andrew Lundie Place and to the north by the Manse, Nursery School and properties on Brewland Street.

2.2 **Proposed Development:** Planning permission 02/0983/FL, for the erection of 32 houses was considered and granted planning permission at the Local Planning Committee on 4 April 2003. The formal consent was issued on 29th June 2004 following the signing of the S.75 legal agreement connected to the application.

2.3 The current application seeks to amend condition 17 of the original planning consent which stated that "construction works shall not be undertaken on site outwith the hours of 0900 hours to 1800 hours Monday to Friday and 0900 hours to 1600 hours on Saturday and not any time on Sundays". The application seeks to amend the condition to permit the hours of operation to commence from 0800 hours.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health Division have no objections in principle to the proposal subject to the following:

3.2 Noisy work on the site during construction should be restricted to 8am to 7pm Monday to Friday, 8am to 1pm on a Saturday and no noisy work on a Sunday. Particular cognisance should be paid to the close proximity of residences in the area.

3.3 Noise from the works during construction should be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.

The applicants have advised that they are agreeable to amend the hours of operation on a Saturday to reflect the recommendation of the Council's Environmental Health Division. Should the Committee be minded to approve the application a condition can be attached restricting the hours of operation on a Saturday.

3.4 Galston Community Council have no objections in respect of the proposal.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received in respect of the application.

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 specific policies relevant to the assessment of the current application.

East Ayrshire Local Plan

5.3 Policy RES1 encourages and supports the residential development of those Development Opportunity sites identified for housing purposes on the individual Local Plan maps and reserves them for residential and associated recreational and amenity open space development.

As an identified residential development opportunity site the principle of residential development at this location is acceptable.

The current application merely seeks to alter the construction hours of operation and does not propose any physical amendments to the scheme.

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 planning history of the site 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.

Impact on the amenity of the area

6.4 The proposal seeks to amend the hours of operation on the site to commence at 0800hours Monday to Friday instead of 0900hours as imposed by a previous condition. The amendment is considered in accordance with the standard hours of operation imposed on planning permission for residential developments.

Planning History

6.5 Planning application 98/0471/FL for the Proposed Construction of Roads and the Laying Out of House Plots was withdrawn on 17th May 1999.

6.6 Planning application 02/0329/FL for a Proposed New Housing Development of 32 New Houses was withdrawn on 18th February 2002.

6.7 Planning permission 02/0983/FL was granted on 29th June 2004 for the erection of 32 houses.

6.8 Planning application 06/0377/FL for Revision of House Types on Plots 17, 18, 19 and 22 is still under consideration.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications resulting for the Council in the determination of this application.

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 and these do not indicate that the application should be refused.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the indicated amendment to Condition 17.

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 a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

7 June 2006
GC/IMB

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. Planning Application 98/0471/FL
7. Planning Application 02/0329/FL
8. Planning Approval 02/0983/FL
9. Planning Application 06/0377/FL

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

06/0333/FL

Site of Proposal: Brewland Street,
Galston, KA4 8DX

Nature of Proposal: Amendment of Condition 17 of Consent No.
02/0983/FL to Allow the Hours of Operation to
Commence From 0800 hours.

Name & Address of Applicant: K G Building and Civil Engineering
102 Glasgow Street,
Ardrossan, KA22 8EU

Name & Address of Agent: Architectural Design Works
G13 The APL Centre,
Stevenson Industrial Estate
Stevenson, KA20 3LR

DPOs Reference: GC/IMB

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

1. For the avoidance of doubt, Condition 17 of Consent No. 02/0983/FL is amended as follows: Construction works associated with the development shall not be undertaken outwith the hours of 08:00 hours to 18:00 Monday to Friday, 08:00 hours to 13:00 hours on a Saturday and not at all on a Sunday.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

**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.**