

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE:**

**16 JUNE 2006**

**06/0406/FL: INFILLING UNDER THE STRUCTURE AND FORMING OF  
EMBANKMENTS**

**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 and the forming of embankments. 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 considered that the nature of the defects are such that repair is not 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 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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### NORTHERN AREA LOCAL PLANNING COMMITTEE:

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**06/0406/FL: PROPOSED INFILLING UNDER THE STRUCTURE AND  
FORMING OF EMBANKMENTS  
AT REDUNDANT RAILWAY BRIDGE (GRO4), OFF A71. GALSTON ROAD,  
HURLFORD, KILMARNOCK, KA1 5JB  
BY BRB RESIDUARY LTD**

### 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 previous application was continued by the Northern Area Local Planning Committee for determination, prior to its withdrawal.

#### 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 and the forming of embankments. 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 considered that the nature of the defects are such that repair is not 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.

2.3 The current application proposes an amended scheme from that submitted under the previous application 05/1227/FL which was withdrawn on 8<sup>th</sup> March 2006. The withdrawal followed agreement of the Northern Area Committee to continue consideration of the application to a future meeting in order that a site

visit be carried out and that in the intervening period the Head of Planning, Development and Building Standards liase with the applicant to establish whether a more acceptable solution could be found. The current application differs from the original in that it does not seek to remove the parapet walls and replace them with post and rail fences.

### **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 obtaining the necessary temporary road closure order from the Roads Division.

***Should the Committee be minded to approve the proposal a condition can be attached requiring the applicant to submit a traffic management scheme to ensure that vehicular access is permitted via the bridge during construction works. The applicant has confirmed that vehicular access will be maintained over the bridge during construction works.***

3.2 Scottish Environment Protection Agency (SEPA) have not responded in respect of the proposal, however their previous consultation reply in respect of the earlier application for a similar proposal indicated that they had no objections in principle. SEPA advised that should the developer seek to use waste material for the infill works an exemption or a Waste Management Licence under the Waste Management Licensing Regulations 1994 (as amended) may be required.

***Should the Committee be minded to approve the proposal a note can be attached to advise the applicant of the above matter.***

3.5 Hurlford Community Council have not responded to the proposal.

***Noted.***

### **4. REPRESENTATIONS**

4.1 No letters of representation have been received in relation to the proposal.

### **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 will have a minimal new 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 planning history 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.

### Planning History

6.3 Planning application 05/1227/FL was withdrawn on 8 March 2006 following the Northern Area Committee's decision to continue consideration of the application to a future meeting in order that a site visit be carried out and that in the intervening period, the Head of Planning, Development and Building Standards liaise with the applicant to establish whether a more acceptable solution could be found.

## 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 on the character and appearance of the surrounding 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 indicate that the application should be refused.

## **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  
07 June 2006

FV/DVM

060406FLRedundantRailwayoffA71GasltonRoadHurnfordRH

### **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. Planning application 05/1227/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

05/1227/FL

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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

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DPOs Reference: GC/RH

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

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 as approved and maintained in operation for the duration of the works.

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

## **NOTES 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.
- 2 The developer is advised that depending on the exact nature of the proposals and infill material, an exemption or a waste management license under the Waste Management Licensing Regulations 1994 (as amended) may be required.

**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.**