

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004

**UPDATE REPORT ON PLANNING APPLICATIONS
03/0600/OL: PROPOSED RESIDENTIAL DEVELOPMENT FOR 3 PLOTS
AND 03/0561/FL: PROPOSED ERECTION OF DWELLINGHOUSE AND
PROPOSED CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL
AT CEMETERY ROAD, GALSTON
BY MR & MRS COCHRANE**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this Report is to update the Committee in respect of the above planning applications following their consideration at the Northern Area Local Planning Committee on 23 January 2004. The applications were both approved subject to conditions and the formalisation of a Section 75 Agreement under the terms of the Town and Country Planning (Scotland) Act 1997.

2. INTRODUCTION

2.1 In the reports for the applications, it was recommended that planning permission be granted subject to a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 to include the following obligations on the part of the developer :

- (i) the formation of a 2.0 metre wide footway to adoptable standard between the application site and the existing public footpath opposite Barr Street, Galston; and
- (ii) the provision of a right of access over part of the application site to enable the Council's Outdoor Services Department to access an area of land for upkeep and maintenance.

2.2 The Committee was minded to grant planning permission for the proposed developments subject to a condition limiting the development on site until such time as a road closure order had been achieved along Cemetery Road. This decision therefore had the effect of negating the requirement for part (i) of the proposed Section 75 Legal Agreement, on the advice of East Ayrshire Council's Roads and Transportation Division due to the anticipated decreased volume in traffic.

2.3 It has since been confirmed, contrary to the information provided by the applicant, that the part of the application site required to form a right of access to an area of adjacent land is within the ownership of the Council. Consequently, without need of a legal Agreement, the Council can access adjacent land for upkeep and maintenance.

3. CONCLUSIONS

3.1 Based on the decision of the Committee and the recent clarification of ownership, it is clear that these applications can be issued without the need for a Section 75 Legal Agreement. It is the intention of this Division to attach an additional condition to the permissions stating:-

“No construction shall commence on site until such time as the closure of Cemetery Road to through vehicular traffic at a point agreeable to the Roads Division and to the east of the application site has taken place.

REASON In the interests of road safety”.

4. RECOMMENDATION

4.1 It is recommended that the Committee note the contents of this report and agree the extra condition to be attached to the two decision notices.

Alan Neish
Head of Planning and Building Control

11 March 2004
(RD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Approved East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Robert Duncan on 01563 576 790.

Implementation Officer: Dave Morris