

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 OCTOBER 2006**

**06/0788/RM: ERECTION OF PRIVATE DWELLINGHOUSE AND GARAGE  
AT VACANT SITE - CEMETERY ROAD, GALSTON  
BY PETER ARMOUR**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The application aims to provide a storey and a half dwellinghouse with integral garage, turning head and four parking spaces. The development also provides details of a landscaping buffer to the rear of the property, as well as fencing details within the site.

#### **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 stated 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 indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit the refusal of the application.

#### **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 because such a decision would not represent 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises part of a grassy field on the south side of the Cemetery Road adjacent to the Cemetery in Galston. It extends to approximately 0.13 ha and is bounded on three sides by agricultural land with the rear gardens of the properties in Cessnock Place to its northern boundary across the Burnawn watercourse on the opposite side of Cemetery Road.

2.2 **Proposed Development:** The application aims to provide a storey and a half dwellinghouse with integral garage, turning head and four parking spaces. The development also provides details of a landscaping buffer to the rear of the property, as well as fencing details within the site.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the attachment of appropriate conditions regarding sightlines, service strips, private driveway, kerbing and road opening permit.

***Appropriate planning conditions and notes can be attached to the grant of any planning permission for this development addressing these matters.***

3.2 Scottish Water indicated that they will not object to the proposal.

***Noted.***

3.3 Galston Community Council have made no objection on this proposal.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Two objectors have raised objection to this proposal. They both raise the following issue.

4.2 There has been a past history of sewerage backing up from drains during heavy rainfall and a lack of capacity for the existing system to cope. This will add more to an already overloaded system

***Scottish Water have not objected 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 Ayrshire Joint Structure Plan Policies ADS 3 and G1 are relevant to this proposal. Policy ADS3 indicates that new residential, economic, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined by Local Plans.

***The proposal accords with the requirements of this Policy.***

5.3 Policy G1 indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements.

***The proposal accords with the requirements of this Policy.***

##### East Ayrshire Local Plan

5.4 Policy RES4 states that within settlement boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other re-development sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for

particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

***It is considered that the proposed development will not have any adverse impact on the surrounding natural and built environment and adjacent uses, subject to planning conditions being attached to any grant of consent addressing the roads and landscape maintenance issues.***

- (ii) transportation and infrastructure implications;

***Neither Scottish Water nor the Council's Roads Division have any objection to the proposal.***

- (iii) compatibility with surrounding densities and housing types; and

***The proposal is a detached storey and a half dwellinghouse which is similar in style and size to other detached modern dwellings on Cemetery Road.***

- (iv) compliance with the Council's Development Promotion and Design Guidance.

***The proposed development accords with the Council's Development Promotion and Design Guidance.***

## **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 are supportive of the application.

### Representations

6.3 The representations received have been summarised in Section 4 of the report and are not considered to be of such weight as to merit refusal of the application.

### Impact on the Amenity of the Area

6.4 The circumstances of the site are such that it is considered that the proposal can be accommodated, subject to the attachment of appropriate planning conditions to any grant of planning consent, with no detriment to the area.

### Planning History

6.5 Outline Planning application 00/0354/OL for a single dwellinghouse was approved on appeal by the Scottish Executive on 26 January 2005.

6.6 Reserved Matters application 06/0284/RM for the erection of a single dwellinghouse was withdrawn on 06 July 2006.

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

7.1 No financial or legal implication for the Council in the determination of the application.

## **8. CONCLUSION**

8.1 As stated 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 indicated in Section 6 of the report there are material considerations relevant to the application however it is considered that these are not of such significant weight as to merit the refusal of the application.

## **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 because such a decision would not represent a significant departure from Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

17 October 2006  
(CSUI/MMM)

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. Approved Ayrshire Joint Structure Plan (1999).
7. Planning History.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

06/0788/RM

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Site of Proposal:	Vacant Site Cemetery Road GALSTON KA4 8LF
Nature of Proposal:	Erection of Private Dwellinghouse and Integral Garage
Name & Address of Applicant:	Mr & Mrs P Armour 22 Sorn Place GALSTON KA4 8JA
Name & Address of Agent:	Arctec Designs 23 Dallas Place TROON KA10 6JE

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DPOs Reference: (CSI/MMM)

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

1. Details of the planting schedule for the landscaping within the application site shall be submitted to and approved by the Planning Authority prior to commencement of the development and shall be implemented within the next available planting season following the occupation of the dwellinghouse hereby approved to the satisfaction of the Planning Authority.

REASON In the interests of visual and environmental amenity.

2. External construction works shall take place only between the hours of 08:00 am to 6:00 pm Monday to Friday and 08:00 am to 1:00 pm Saturday and at no time 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.

3. Notwithstanding the submitted plans the visibility splays of 2.5 metres by 90 metres shall be provided at the junction of the access to the development with the public road with no obstruction to visibility greater than 1 metre in height being allowed within these splays.

REASON To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

4. Notwithstanding the approved plans the turning head shall be 5.5 metres wide and maintained as a public turning facility.

REASON In the interests of road safety

5. Notwithstanding the approved plans a 2 metre wide service strip shall be provided adjacent to the public highway, prior to the occupation of the dwellinghouse and thereafter be maintained to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

6. Prior to the commencement of development details of the existing and proposed site levels and proposed floor levels of the house, above ordnance datum, shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of visual and residential amenity.

7. The development hereby permitted shall commence within two years from the date of the approval by the Planning Authority.

REASON To comply with Section 59(2) of the Act.

8. Prior to the commencement of the development a ground investigation report shall be submitted to and approved by the Planning Authority. Said ground investigation report shall address all potential subsidence issues, including any previous influence of past, present or future mining operations, which may affect the stability of the development site.

REASON In the interests of residential amenity.

Note to Applicant:- A Road Opening Permit is required and should be sought from the Council's Roads and Transportation Division.

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