

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 JANUARY 2007

**06/0612/FL: ERECTION OF A 2 METRE HIGH PALISADE FENCE FOR
SAFETY REASONS AROUND WELL AT GLEN CATRINE BONDED
WAREHOUSE, 7 LAIGH ROAD, CATRINE, MAUCHLINE**

APPLICATION BY GLEN CATRINE BONDED WAREHOUSE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought retrospectively for the erection of a 2 metre high palisade fence immediately in front of that section of the stone wall which protects the well, at the corner of Laigh Road and the lane. The fence has a galvanised grey colour finish .The applicant has indicated that the fence was erected for public safety reasons to avoid the risk of a serious accident happening at the well to the public in general but to the pupils of the nearby Daldorch House School (National Autistic School) in particular who regularly pass by the site to and from the village.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but they are not of sufficient weight to justify 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 it would not be a significant departure from the development plan.

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 as the proposed development is subject to objections.

1.2 The application was first presented to the Southern Local Planning Committee on 01 December 2006 and, following a Planning Hearing, the Committee agreed to undertake a site visit prior to determination of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the corner of Laigh Road and the access lane leading from Laigh Road to St Cuthbert's Street in Catrine. A stone wall which varies in height from under a metre to up to 1.5 metres in height runs continuously from near the top of the lane, round the corner and along Laigh Road to its junction with palisade gates and fencing which control access to the applicant's bonded warehouse premises. The stone wall encloses a well at the corner of Laigh Road and the lane. Further along the wall separates the road from a car park belonging to the applicant. On the opposite side of the lane a similar but rusted palisade fence encloses trees and shrubs to the rear of a stone cottage at 3 Laigh Road. On the opposite side of Laigh Road a mixture of scaffold-type tube and horizontal metal barred panels secure the landscaped embankment of the River Ayr. The site is level along Laigh Road but rises up the lane in a south-west to north-east direction. The site also lies within the Catrine (Outstanding) Conservation Area.

2.2 **Proposed Development:** Full planning permission is sought retrospectively for the erection of a 2 metre high palisade fence immediately in front of that section of the stone wall which protects the well, at the corner of Laigh Road and the lane. The fence has a galvanised grey colour finish .The

applicant has indicated that the fence was erected for public safety reasons to avoid the risk of a serious accident happening at the well to the public in general but to the pupils of the nearby Daldorch House School (National Autistic School) in particular who regularly pass by the site to and from the village.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection subject to a reflective bollard (Glasdon 'Hazardmaster') being erected at the corner of the lane and the road.

A condition could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Catrine Community Council has not responded to the letter of consultation.

Noted.

4. REPRESENTATIONS

4.1 A letter of objection has been received from Catrine Community Trust. The main points of objection are summarised as follows:-

4.2 The application is retrospective and the works in question have already been carried out without the prior approval of the planning authority and with no opportunity for neighbouring interests or the local community to comment on the merits or otherwise of the application.

This point is not contested. The applicant has emphasised that his main concern was for public safety and at the time was not aware of the need for planning permission or the site's location within a conservation area. Whilst it is not material to the consideration of this application, a nearby redundant canteen building was demolished in 1996 by the applicant without first obtaining consent and although Conservation Area consent was subsequently granted on 21 February 1997(Application number 96/0570/CA)the then Cumnock Area Local Planning Committee was sufficiently concerned by the applicant's action to instruct the Head of Planning, Development and Building Standards to inform the applicant of its concern. Although this was done and assurances sought that such action would not happen again no written response has been received to date.

Notwithstanding the above the applicant has in this instance given a written undertaking to discuss any future proposals with the planning authority prior to applications being made. As to the objection, the local community has still been able to comment, albeit retrospectively, on the suitability of the proposed development through the planning process.

4.3 The application relates to only a minor part of a wider programme of works ie erection of other palisade fencing and security cameras, creation of a car parking area and demolition of a section of wall which have recently been carried out without prior approval of the planning authority .

An application which includes the car parking area referred to was approved on 5 March 2004 (Application number 03/1115/FL) while new palisade fencing around the car park entrance and at the main vehicular entrance to the bonded warehousing premises has been installed on a like for like basis. Its grey galvanised colour could be 'toned down' by condition if the decision is taken to approve this application for the fencing around the well. The applicant has also indicated that a metre section of wall next to the car park entrance was recently vandalised and had to be taken down. The wall will be made good and a suitably worded condition can be imposed if this application is approved.

4.4 The existing stone wall needs to be repaired and maintained to provide public safety and not simply fenced off.

While this is perfectly correct and a condition could accordingly be attached to any consent granted to ensure the wall is maintained, this fails to address the applicant's concern that the wall is too low to properly protect the well.

4.5 The palisade fencing is inappropriate of type and size, overly obtrusive and dominant within the area within which it is located, being an outstanding conservation area and is significantly detrimental to the amenity of the whole area. It also severely detracts from the well and its status as a significant historical feature.

It is considered that the palisade fence is conspicuous rather than obtrusive or dominant and while it does not necessarily enhance the appearance of Catrine Outstanding Conservation Area its impact can be 'toned down' by a change of colour to which the applicant is agreeable and which can be controlled by condition if the application is approved.

4.6 Proper neighbour notification and advertising procedures have not been adhered to.

The application has been advertised in a local newspaper but it is not possible to comment further since it has not been made clear in what way neighbour notification is inadequate.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2. Policy E20 states that development proposals considered to have an adverse effect on the following heritage resources shall not conform to the structure plan:

A listed buildings of architectural and historic interest;

Not applicable.

B designated conservation areas;

As indicated in section 4.5 above it is considered that the palisade fence is conspicuous rather than obtrusive or dominant and while it does not necessarily enhance the appearance of Catrine Outstanding Conservation Area its impact can be 'toned down' by a change of colour to which the applicant is agreeable and which can be controlled by condition if the application is approved.

East Ayrshire Local Plan

5.3 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.

As indicated in section 4.5 above it is considered that the palisade fence is conspicuous rather than obtrusive or dominant and while it

does not necessarily enhance the appearance of Catrine Outstanding Conservation Area its impact can be 'toned down' by a change of colour to which the applicant is agreeable and which can be controlled by condition if the application is approved.

5.4 Policy ENV4 seeks to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The policy also states that development proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

As indicated above the impact of the fence can be 'toned down' by a change of colour to which the applicant is agreeable and which can be controlled by condition if the application is approved.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation response, the representation received, the Finalised Ayrshire Joint Structure Plan 2006 and the statement of support by the applicant's agent.

Consultations Response

6.2 The consultation response has not raised any issues which would indicate that the application should be refused.

Representations

6.3 It is considered parts of the objection raise valid concerns about the impact of the palisade fence on the historic well and surrounding Outstanding Conservation Area but these can be addressed by the imposition of conditions or are not of sufficient weight to merit refusal of the application.

Finalised Ayrshire Joint Structure Plan (2006)

6.4 ENV 6 - Protection of the Built Heritage: Development proposals considered to have an adverse effect on the following heritage resources shall not conform to the structure plan.

A listed buildings of architectural and historic interest;

Not applicable.

B designated conservation areas;

It is considered that the palisade fence is conspicuous rather than obtrusive or dominant and while it does not necessarily enhance the appearance of Catrine Outstanding Conservation Area its impact can be 'toned down' by a change of colour to which the applicant is agreeable and which can be controlled by condition if the application is approved.

Statement of Support by Applicant's Agent

6.5 The statement emphasises the importance of health and safety in erecting the palisade fence and genuine ignorance of the need for planning permission before doing so. The statement points out that there is a variety of fence types in the immediate area including the same palisade fencing as has been erected around the well. The statement argues that as an alternative it is not possible to embed a railing into the cope on top of the stone wall without undermining the structural integrity of the wall. In addition a fence in front of the wall is a better deterrent to climbers than one embedded into the top of it. The statement offers concessions in the form of agreeing to delete extending the palisade fence along the remainder of the stone wall on Laigh Road, 'toning down' the colour of the fence not only around the well but where it exists at the entrances to the car park and the bonded warehouse itself and agreeing to carry out repairs to the stone wall to prevent further deterioration.

6.6 The palisade fencing does exactly match that which bounds land on the opposite side of the access lane between Laigh Road and St. Cuthbert Street and there are other types of fencing in the vicinity so it is accepted that there is no particular style that has been adopted for the Conservation Area. The concessions offered will limit the extent of palisade fencing, minimise its visual impact and maintain the wall as an important 'visual edge' to the Conservation Area and can be secured through conditions. On balance therefore the benefits offered and the variety of existing fencing in the vicinity outweigh any negative visual impact the fencing has relative to the wall, well and Conservation Area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise in respect of formal enforcement action, should the Committee be minded to refuse this application.

Noted.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but they are not of sufficient weight to justify refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

15 January 2007
SMCD/HM
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. Finalised Ayrshire Joint Structure Plan (2006)
8. Previous planning applications 96/0570/CA and 03/1115/FL

Anyone wishing to inspect the above background papers should contact Stephen McDermott on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0612/FL

Location	Glen Catrine Bonded Warehouse 7 Laigh Road Catrine Mauchline KA5 6SQ
Nature of Proposal:	Erection of 2 metre high palisade fencing around well for safety reasons
Name and Address of Applicant:	Glen Catrine Bonded Warehouse 7 Laigh Road Catrine Mauchline KA5 6SQ
Name and Address of Agent	Stewart Associates The Studio 6 Waterside Street Largs Ayrshire KA30 9LN

DPO's Ref: Stephen McDermott
PPO's Ref: Hugh Melvin

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

1. All palisade fencing and gates within the applicant's control and not just that which has been erected around the well at the junction of Laigh Road and the access lane linking Laigh Road with St Cuthbert's Street shall be painted dark green. Sample panels of the paint finish shall be prepared on site for the inspection and written approval of the Planning Authority within one month of the date of consent. Thereafter the palisade fencing shall be painted in the approved colour no later than two months from the date of any written approval.

REASON - In the interests of the visual amenity of the surrounding Catrine Outstanding Conservation Area.

2. The stone wall shall be repaired to the satisfaction of the Planning Authority. Details of the requisite repairs required shall be submitted to and approved by the Planning Authority within one month of the date of consent.

REASON – To ensure that the stone wall is maintained in sound condition and in the interests of the visual amenity of the surrounding Catrine Outstanding Conservation Area.

3. A reflective bollard (Glasdon ' Hazardmaster') shall be erected adjacent to the end of the palisade fence on Laigh Road where it meets the lane leading up to St. Cuthbert Street. Detailed drawings showing its location shall be submitted to and approved by the Planning Authority prior to its installation.

ADVISORY NOTE

1. The developer should liaise with the Roads Authority regarding the location of the reflective bollard.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**