

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 03 NOVEMBER 2006**

**06/0521/FL: ERECTION OF TWO GABION RETENTION WALLS WITHIN PUBLIC  
OPEN SPACE**

**AT STEPEND ROAD, HOLMHEAD, CUMNOCK**

**APPLICATION BY GEORGE WIMPEY WEST SCOTLAND LIMITED**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Retrospective planning permission is sought for the erection of two gabion walls within the proposed public open space area. One of the gabion walls is situated to the rear of Nos. 6, 8 and 10 Stepend Road running a length of approximately 30 metres. The gabion wall formed is stepped in three sections giving an overall height at its maximum of 3 metres above ground level. This wall at its closest lies approximately 1.2 metres from the rear garden fences of the aforementioned properties.

1.2 The second gabion wall has been erected to the rear of Plots 16 and 17 of the Wallacegate development along the rear garden boundaries. This gabion wall runs a length of approximately 25 metres with a maximum exposed height of 1.5 metres. This wall runs adjacent to an area of proposed public open space to be formed as part of the King Homes residential development site.

1.3 The applicant intends to reduce the visual impact of the exposed gabion walls by incorporating matting over the exposed faces that are to be planted out with honeysuckle, clematis and ivy. Planting is due to commence during November 2006.

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**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 As is indicated in Section 5 of the report, there are no policies of relevance in the development plan and therefore greater weight should be afforded to the material considerations in respect of this development. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 There are no consultation objections with regard to the development but a number of concerns and objections have been raised by neighbouring properties, some of which have merit in this instance. There is no doubt that the gabion walls as presently constructed on site have a significant visual impact and did not form part of the original proposals for the Wallacegate site. However it is considered that, with the 'greening' proposals for the exposed faces of the wall and the comprehensive landscaping proposals for this area of open space, these impacts can be mitigated to a significant degree.

3.3 The issue of surface water run-off from this site is historic but it is considered that the erection of the gabion basket wall to the east of properties on Stepend Road will have had some impact on drainage. However, the developer has installed a surface water drainage system designed to address this problem although it is accepted that this system is still under assessment as part of the building warrant for the Wallacegate site.

3.4 In this regard, it is considered that conditions can be imposed on this retrospective development to address the concerns of the objectors which are not of sufficient weight to merit refusal of the application.

#### **CONTRARY DECISION NOTE**

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the Development Services Committee as such a decision would not represent 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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06/0521/FL: ERECTION OF TWO GABION RETENTION WALLS WITHIN  
PUBLIC OPEN SPACE  
AT STEPEND ROAD, HOLMHEAD, CUMNOCK

APPLICATION BY GEORGE WIMPEY WEST SCOTLAND LIMITED

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 it is subject to letters of objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site lies at the end of Stepend Road in Holmhead in Cumnock and lies to the east of residential properties at Nos.6 – 10 Stepend Road and to the north of residential properties at Nos 49 – 57 Holmhead Road. The site relates to a proposed area of public open space associated with the new private residential development at Wallacegate. Full planning permission was granted for the erection of 34 dwellings and associated works at the Wallacegate site on 07 October 2005 (Ref. No. 05/0851/FL).

2.2 The application site extends to approximately 1685 m<sup>2</sup> and comprises steeply sloping ground falling in a general north to south direction. The area is to be utilised as public open space and is the subject of a planning condition on the existing consent requiring a detailed landscaping scheme to be submitted to the Planning Authority for approval. A scheme has been submitted but has not yet been approved pending the determination of the present application.

2.3 **Proposed Development:** Retrospective planning permission is sought for the erection of two gabion walls within the proposed public open space area. One of the gabion walls is situated to the rear of Nos. 6, 8 and 10 Stepend Road running a length of approximately 30 metres. The gabion wall formed is stepped in three sections giving an overall height at its maximum of 3 metres above ground level. This wall at its closest lies approximately 1.2 metres from the rear garden fences of the aforementioned properties.

2.4 The second gabion wall has been erected to the rear of Plots 16 and 17 of the Wallacegate development along the rear garden boundaries. This gabion wall runs a length of approximately 25 metres with a maximum

exposed height of 1.5 metres. This wall runs adjacent to an area of proposed public open space to be formed as part of the King Homes residential development site.

2.5 The applicant intends to reduce the visual impact of the exposed gabion walls by incorporating matting over the exposed faces that are to be planted out with honeysuckle, clematis and ivy. Planting is due to commence during November 2006.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has no objections to the proposed development.

***Noted.***

3.2 The Scottish Environment Protection Agency states that it has no objections to the proposed development. All waste materials generated by this development that require to be removed such as construction, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

***Noted.***

### 4. REPRESENTATIONS

4.1 Five letters of representation with a total of 7 signatories have been received regarding the proposed development. The main points of objection are summarised as follows:

4.2 This wall has been erected only one metre from the rear of our boundary fence and its proximity to our property impinges on our security as it creates a hidden tightly enclosed space where anyone with wrongful intentions can proceed in seclusion. This current space is strewn with debris and has, as a result of the building process, damaged our boundary fence.

***It is considered that the issue of potential security risk can be addressed by the introduction of appropriate planting within the development site to discourage direct access to the area in question. A condition can be attached to any consent granted to address the issues raised by the objector.***

4.3 The levels and height of this Wimpey development which completely overpower my house have caused much concern and worry for my family. Without planning consent the developer seems to have gone ahead with this second row of gabions building up the banking adjacent to our property. . The

developer has completely misjudged the effectiveness of a 1.2 metres high fenced outlined in the application. This seems to be an almost right angle drop of 6 feet from top soil to second gabion making a 1.2 metres high fence completely ineffective if it were to run in line with the gabion cages.

***The fencing provided within the proposed open space area is designed for safety purposes and not particularly for any screening purpose.***

4.4 A structural assessment and report must have been undertaken by the developer for them to consider the need for gabion cages. The engineer obviously recommended, for health and safety and support of a building, the erection to at least six high. The developer has since reduced it to three high which is still unacceptable. The developer has escalated the construction of the house which this gabion wall will support knowing full well this is under review and dispute.

***The gabion walls constructed are for soil retention purposes only and are not required to secure the structural stability of the dwellinghouse that has been erected on Plot 15 within the Wallacegate development which is understood to have piled foundations.***

4.5 As the local authority is aware there has been a water run-off problem in the area of the gabion cages for some time. There was a run-off gully which has been back filled. The gabion cages are erected along this line therefore there is no natural run-off that will now occur. It would appear that the natural run-off would now be into neighbouring properties.

***Since the construction of the gabion walls, the developer has installed a French drain and surface water attenuation system to alleviate surface water run-off problems which pre-existed in this area prior to the Wallacegate development. This drain has been taken to an existing surface water drain located in the south-west corner of the public open space area. This drainage system is presently being assessed as part of the building warrant application for the Wallacegate development.***

4.6 What plants is the developer going to use to cover the gabion wall once it is covered in Teramesh? What is the durability of this material regarding lifespan and how would earth covering this material bond successfully in the longer term?

***The submitted plans specify the use of ivy, honeysuckle and clematis. The purpose of the mesh covering is to assist in the short term establishment of vegetation. A condition can be attached to any consent granted to ensure short term and longer term maintenance of the public open space area and in particular, the naturalisation of the gabion walls.***

4.7 What is the term the developer will maintain this area and who will maintain it after this timescale?

***The developer will require to maintain the proposed public open space area and details of the proposed maintenance arrangements will require to be agreed with the Planning Authority as part of the requirement to submit a revised landscaping scheme to take account of the gabion wall development, should this be approved.***

4.8 There is an increased risk of security to properties by the erection of this wall as there is now a secluded area where someone could hide and enter the properties which was previously open space viewed from various points. Will the remainder of the open space be landscaped?

***It is considered that the issue of potential security risk can be addressed by the introduction of appropriate planting within the development site to discourage direct access to the area in question. A condition can be attached to any consent granted to address the issues raised by the objector. It is a condition of the original planning consent for the Wallacegate development that a detailed landscaping scheme be agreed with the Planning Authority for the proposed open space area. A scheme has been submitted for consideration but has not yet been agreed pending the determination of this present application.***

4.9 We have concerns that a company as knowledgeable in the building industry failed to appropriately liaise with the properties adjacent to their development regarding the planning and construction of the gabion wall.

***Noted.***

4.10 In the original planning application it is clear that no mention has been made of this structure nor is it indicated on the layout plan. This could be construed by some as being deliberate.

***Noted.***

4.11 There is a severe overlooking problem as any house erected adjacent to the unauthorised structure will be above my bedroom windows and will compromise my privacy not only within the rear garden area but within the habitable accommodation facing the rear garden at ground floor and first floor levels.

***The issue raised by the objector is not relevant to the determination of this present application. Planning consent has already been granted for the dwellinghouse on Plot 15 as part of the original planning consent granted for the Wallacegate development. The objector's dwellinghouse backs onto the proposed open space area and lies some 32 metres from the***

***dwelling on Plot 15. The side elevation of this property faces the objector's property and has only a small bathroom window on this elevation. With the introduction of proposed screen planting within the open space area, the privacy of the objector should not be significantly compromised.***

4.12 There has been a severe loss of natural daylighting within the ground floor accommodation with the resultant increased use of artificial lighting.

***It is not considered that there is a significant impact regarding loss of daylight resulting from the construction of the gabion wall.***

4.13 The development of the house and the excessive height of the gabion wall in relation to the level of my property will have a detrimental effect on the value of my property.

***This is not a material consideration in the determination of this application.***

4.14 It was noted that there are no drainage proposals for the base of the gabion wall. At present the rear part of my garden is badly affected by water ingress from the site and this will only be exacerbated by the run-off from the gabion wall and retained soil that has been erected.

***Since the construction of the gabion walls, the developer has installed a French drain and surface water attenuation system to alleviate surface water run-off problems which pre-existed in this area prior to the Wallacegate development. This drain has been taken to an existing surface water drain located in the south-west corner of the public open space area. This drainage system is presently being assessed as part of the building warrant application for the Wallacegate development.***

4.15 Why is the proposed fencing erected on top of the gabion wall only 1.2 metres in height when other boundary fencing is 1.8 metres in height? I fully understand that the developer intends to plant mature trees and shrubbery with a view to attempting to increase the general privacy of my property. However consideration should be given to further increase my privacy by reviewing the height of the proposed fencing increasing this from 1.2 to 2 metres in height.

***The fencing provided within the proposed open space area is designed for safety purposes and not particularly for any screening purpose.***

4.16 Consideration should be given to removing these gabion cages and having a proper acceptable and aesthetically pleasing retaining wall erected to retain this ground.

***The application requires to be considered on its merits and it is considered that the combination of gabion walls with appropriate screening and planting would be a more acceptable solution rather than a bland retaining wall***

## **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).

### Ayrshire Joint Structure Plan

5.2 There are no structure plan policies directly relevant to this application.

***Noted.***

### East Ayrshire Local Plan

5.3 There are no policies within the adopted local plan that are directly relevant to this application.

***Noted.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation replies, representations received and the planning history of the site.

### Consultation Replies

6.2 The consultation replies would generally indicate that approval of the application would be appropriate. The issue of drainage is a matter for the developer to resolve with Scottish Water and SEPA.

### Representations

6.3 The representations received do raise points of material consideration in the determination of this application. It is considered that some of the points raised can be satisfactorily addressed by the imposition of appropriate conditions. On balance, the representations received are not of sufficient weight to justify refusal of the application.

## Planning History

6.4 A full planning application for the erection of 70 new dwellings, on a larger site including the current application site, was approved by the former Cumnock and Doon Valley District Council on 27 August 1979 (Ref. No: CD/79/145). This consent was partly implemented.

6.5 A subsequent full application for the erection of 36 dwellings on the current application site was approved on 11 April 1980 (Ref. No: CD/80/53). Again this consent was partly implemented and consequently this consent remains extant at this time.

6.6 A full application for the substitution of house types on the current application site was refused on 01 February 1991 (Ref. No: CD/90/384). This was refused due to the proposal for two storey development on the top part of the development site, north of the proposed residential loop road.

6.7 A further full application for the erection of 21 dwellings on the current application site was refused on 05 November 1991 (Ref. No: CD/91/231). This was also refused due to the proposal for two-storey development on the top part of the development site, north of the proposed residential loop road. This decision was subsequently appealed but the appeal was dismissed.

6.8 A detailed application for the erection of 37 dwellings on this site was approved on 10 September 2004 (Ref. No: 04/0241/FL).

6.9 A revised full planning permission was granted for the erection of 34 dwellings and associated works at the Wallacegate site on 07 October 2005 (Ref. No. 05/0851/FL).

## **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 through potential enforcement procedures should the Committee be minded to refuse this application.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report, there are no policies of relevance in the development plan and therefore greater weight should be afforded to the material considerations in respect of this development. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 There are no consultation objections with regard to the development but a number of concerns and objections have been raised by neighbouring properties, some of which have merit in this instance. There is no doubt that

the gabion walls as presently constructed on site have a significant visual impact and did not form part of the original proposals for the Wallacegate site. However it is considered that, with the 'greening' proposals for the exposed faces of the wall and the comprehensive landscaping proposals for this area of open space, these impacts can be mitigated to a significant degree.

8.3 The issue of surface water run-off from this site is historic but it is considered that the erection of the gabion basket wall to the east of properties on Stend Road will have had some impact on drainage. However, the developer has installed a surface water drainage system designed to address this problem although it is accepted that this system is still under assessment as part of the building warrant for the Wallacegate site.

8.4 In this regard, it is considered that conditions can be imposed on this retrospective development to address the concerns of the objectors which are not of sufficient weight to merit 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 to refuse the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from the development plan.

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

HM/HM  
22 October 2006  
FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letters of representation.
5. Adopted East Ayrshire Local Plan (1993).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous applications CD/79/145, CD/80/53, CD/90/384, CD/91/231, 04/0241/FL and 05/0851/FL.

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

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Site of Proposal:	Stepend Road CUMNOCK KA18 1ES
Nature of Proposal:	Proposed erection of two gabion retention walls within public open space
Name & Address of Applicant:	George Wimpey West Scotland Limited Unit C Cirrus Building Glasgow Airport Business Park Marchburn Drive Abbotsinch, PAISLEY PA3 2SJ
Name & Address of Agent:	N/A

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PPOs Reference: Hugh Melvin

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

1. Within one month of the date of this approval, the applicant shall submit to, for approval by the Planning Authority an amended landscaping plan for the development site. The plan shall provide details of the numbers, species and sizes of trees and shrubs to be planted in all areas of open space within the development site. These details shall take full cognisance of issues of screening, safety and security in relation to neighbouring properties. In particular, the applicant shall provide details of the treatment of the area of land to the west and south west of plots 15 and 16 to ensure that adequate screening is provided between the proposed development and the residential properties immediately adjacent application site, to the satisfaction of the Planning Authority. The landscaping details for this area shall also be the subject of prior consultation with the residents of the adjoining residential properties. The submitted information shall include details of the timing of the provision of all the foregoing as well as proposals for the future maintenance of the open space areas.

REASON – In the interests of visual and residential amenity

2. The developer shall ensure that the installed surface water drainage system is maintained to the satisfaction of the Planning Authority and shall, prior to its completion provide written confirmation that this system is acceptable to Scottish Water in terms of its operation and maintenance.

REASON – In the interests of the proper drainage of the site

3. All waste to be removed from the site (construction waste etc.) shall be removed by a licensed waste carrier to an appropriately licensed or exempted site.

REASON – In the interests of Public Health.

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