

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 NOVEMBER 2001**

**01/0372/OL: PROPOSED ERECTION OF TWO DETACHED BUNGALOWS AT  
TRANQUILE, BREWLANDS LANE, GALSTON, BY MR JAMES MANN**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 This outline planning application proposes the erection of two detached bungalows in the development site. Planning consent would not be required for the demolition of the existing property should this outline proposal gain permission.

#### **2. RECOMMENDATION**

2.1 **It is recommended that the application be refused for the reasons indicated on the attached sheet.**

#### **3. CONTRARY DECISION**

3.1 Should the Committee agree that the application should be approved, it will require to be referred for consideration to the Development Services Committee in that it would represent a significant departure from policy.

#### **4. SUMMARY OF ANALYSIS**

4.1 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 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, specifically Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications). As indicated in the report, the terms of this Policy cannot be met and the proposal cannot therefore be supported.

**Alan Neish**  
**Head of Planning and Building Control**

**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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 NOVEMBER 2001

01/0327/OL: PROPOSED ERECTION OF TWO DETACHED BUNGALOWS AT  
TRANQUILE, BREWLANDS LANE, GALSTON, BY MR JAMES MANN

### Report by Head of Planning and Building Control

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation as it is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the east of Glebe Road in Galston. The site is accessed from and bounded to the north by Brewlands Lane. The site is bounded to the east by the Burnawn watercourse. The west of the site is bounded by the rear access lane of 7-21 Glebe Road. The area to the south of the site is a grassed area owned by the Girl Guide Association. The 0.398 acre site is occupied by a domestic property with associated garden ground. The site is bounded on all sides, except the northern, by hedgerows and trees.

2.2 **Proposed Development:** This outline planning application proposes the erection of two detached bungalows in the development site. Planning consent would not be required for the demolition of the existing property should this outline proposal gain permission.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that they have objections to the proposed development due to the fact that Brewlands Lane does not provide a safe means of access to the proposed development for vehicles or pedestrians. The lane would, as a result of the proposal, serve more than 2 dwellings and would have to be capable of being upgraded to road standard.

***The applicant is unable to achieve the required Roads Standards for the access lane due to access being outwith their ownership. The inability to reach these required road safety standards is a significant factor in the determination of this application***

3.2 Galston Community Council has not responded at the time of writing this report.

***Noted.***

3.3 East Ayrshire Council Roads Division (Flooding) have confirmed that there are no objections in principle to the proposal with regard to flooding issues. However, the applicant must take appropriate measures to ensure the embankment between the site and the burn is protected during construction work to avoid situations that could have the potential to cause flooding to adjacent properties.

***A condition regarding this issue can be attached to any granted planning permission granted.***

3.4 The West of Scotland Water Authority have noted that a sewerage connection is available and that a separate drainage system will be required.

***A note regarding this issue can be attached to any grant of planning permission.***

3.5 Scottish Environment Protection Agency have no objection to the proposal providing foul drainage is connected to a public sewer system.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been submitted in respect of this application from a resident who lives in the area of housing to the west of the application site.

There is concern that no suitable means of access is indicated on the plans and that the access may be taken from the private access lane to the rear of 7-21 Glebe Road, Galston.

***The point of access to the site is an issue which would be addressed at the stage of a reserved matters application for the two houses. As stated in paragraph 3.1 above, the East Ayrshire Council Roads Division have objected to the application due to the failure to meet the Roads Safety requirements.***

#### **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 Ayr County Development Plan 1956.

The proposed residential development meets the requirements of the Approved Ayrshire Joint Structure Plan through its location within the settlement boundary of Galston. The Ayr County Development Plan identifies the development site as being within the town boundary and identified for residential use. The proposal therefore accords with the development plan, although it is many years out of date.

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

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), the objection and the consultations detailed above.

The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered a prime material consideration.

6.2 Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications) states that the Council will encourage and support sympathetic residential development of gap sites within the settlement boundary, subject to them being assessed against the following criteria:-

- (i) impact on the surrounding natural and built environment and adjacent uses;
- (ii) transportation and infrastructure
- (iii) compatibility with surrounding densities and housing types; and
- (iv) compliance with the Council's Development Promotion and Design Guidance

6.3 The development site is within the settlement boundary of Galston, however, as is noted in the Roads Divisions Consultation response in paragraph 3.1 above, the applicant cannot construct the required road and therefore the proposal does not accord with the criteria of Policy RES4.

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

7.1 There are no financial or legal implications for the Council in determining the application.

## **8. CONCLUSION**

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 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, specifically Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications). As indicated in the report, the terms of this Policy cannot be met and the proposal cannot therefore be supported.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

**Alan Neish  
Head of Planning and Building Control**

6 November 2001

(CI/MLS)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans
2. Statutory Notices/Certificates
3. Ayrshire County Development Plan
4. East Ayrshire Local Plan (Finalised Version with Modifications)
5. Approved Ayrshire Joint Structure Plan
6. Consultations
7. Representations.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on (01563) 576770.

**Implementation Officer: Dave Morris**

EAST AYRSHIRE COUNCIL  
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0327/OL

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Site of Proposal: Tranquile  
Brewlands Lane  
GALSTON

Natural of Proposal: Proposed Erection of Two Detached  
Bungalows at Tranquile, Brewlands Lane,  
Galston

Name & Address of Applicant: Mr James Mann  
c/o Mrs Bond  
31 Wallace Street  
GALSTON KA4 8HP

Name & Address of Agent:

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DPOs Reference: CI/MLS

The above OUTLINE application should be refused on the following grounds:-

The proposed development is contrary to Policy RES4 of the East Ayrshire Local Plan (Finalised Version with Modifications) because it fails to comply with the requirement to provide for an appropriate vehicular access when assessed in terms of its transportation implications. The site cannot be serviced by a road constructed to adoptable standards.

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VIEWING PLEASE CONTACT (01563) 576790.**