

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 DECEMBER 2000**

**00/0354/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL  
PURPOSES (ONE HOUSE)  
AT HOUSE PLOT, CEMETERY ROAD, GALSTON  
BY PETER ARMOUR**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.2 The development comprises of a proposal for outline planning permission for one house on a plot in the field adjacent to Galston Cemetery.

**2. RECOMMENDATION**

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

**3. SUMMARY OF ANALYSIS**

3.1 It is considered that the proposed development does comply with Policy RES4 of the Finalised East Ayrshire Local Plan and can be developed in such a way as not to have a significant detrimental impact on adjacent properties, meriting refusal.

3.2 The objections raised by the neighbours in particular in relation to drainage and road safety issues have been addressed by the appropriate authorities in their consultation responses. They have not indicated that the application should be refused.

**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.**

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### 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 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 application site is located on the south side of Cemetery Road, Galston, in the field between Galston Cemetery and the existing housing.

2.2 **Proposed Development:** The development comprises of a proposal for outline planning permission for one house on a plot in the field adjacent to Galston Cemetery.

#### 3. CONSULTATIONS

3.1 The Roads Division have no objections subject to the provision of a turning area to be provided by the applicant prior to the occupation of the dwelling.

***Noted. A condition regarding the construction of a turning area can be attached to any grant of planning permission.***

3.2 West of Scotland Water have commented as follows. There is a public sewer from which the development can be served. There is a history of flooding downstream and adjacent to this location, and a drainage area study is currently being carried out by consultants. It is not known however when any identified relief scheme would be forwarded. Work is currently being done to help reduce these incidents of flooding.

***Noted. The application for a single house will marginally add to the problems experienced regarding the existing sewer. West of***

***Scotland Water have not recommended refusal; it is understood that to do so would imply a logical opposition to all such developments elsewhere in the Irvine Valley. The marginal nature of the increased sewer problem does not merit refusal of this application.***

3.3 The Coal Authority have stated that the property is within the likely zone of influence on the surface from workings in 4 seams of coal at 40 m to 90 m depth, the last date of working being 1912. Ground movement from these past workings should by now have ceased.

***Noted.***

3.4 The Scottish Environment Protection Agency have no objection to this proposal.

***Noted.***

3.5 Galston Community Council have not responded to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

(Four letters of objection have been received, with 3 signatories, regarding this application).

The grounds of objection are as follows:

4.1 Capacity of Services – Householders at Cessnock Place, Galston, have to endure, during heavy rainfall, excrement and sewerage being deposited in their gardens and into the river due to the failure of the services to cope with the extra capacity. Planning has too often been given in recent years for building on unsuitable property with inadequate services.

During heavy rainfall sewerage blocks up to toilets causing a health hazard as well as damage. The Water Board have been called out 3 times to clear same.

Since the additional housing allowed on Cemetery Lane the road is frequently the object of more and more flash flooding caused by the additional hard surface drives with no drainage in these newer houses.

***Whilst these objections have been noted, West of Scotland Water and SEPA have been consulted on this application and have not objected to the means of sewerage or rainwater disposal. They are aware of the terms of the objections.***

4.2 Road Safety – Cemetery Road has been a safe lane used for walks by local residents and is one of the few left in Galston which the elderly can manage without walking up hill. They must now contend with the additional flow of traffic with no pavement or lighting for safety. Children also use the lane to get to and from school.

The increased amount of traffic and heavy traffic used during construction will cause considerable damage to the banking and retaining walls in neighbours gardens.

***Noted. The Roads Division have no objections to the application, subject to a condition on any consent requiring a vehicle turning area within the site. See para 3.1.***

4.3 Site Stability – A 15 ft diameter hole, 4 ft deep, suddenly appeared in the area within 20 ft of this plot in the adjacent field. This does not sound like suitable ground for building as it was adjacent to the old pit entrance.

***The Coal Authority have no concerns with regard to mine working in this area. See para 3.3. Nevertheless, a condition requiring the developer to confirm the stability of the site can be attached as a condition to any grant of planning permission.***

4.4 Open Space – This field is a greenfield site designated for agricultural use and is also used for recreational activities by local people. The proposed site was designated a green area outwith district planning of the last district plan some years ago. This was rightly done following objections which still stand and to which no services improvements have been made.

***The site is identified within the town boundary of Galston in the Finalised East Ayrshire Local Plan and therefore falls to be assessed against residential policies for new housing within settlement boundaries; (see Section 5 below). The proposal meets with the terms of the relevant policy.***

## **5. DEVELOPMENT PLAN STATUS**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Adopted Joint Ayrshire Structure Plan and, in the case of Galston, the Ayr County Development Plan. The latter is considerably out of date and as a consequence, significant weight must be attached to a more recent expression of policy.

5.2 The relevant policy document is therefore the Finalised East Ayrshire Local Plan. This has been agreed by the Council as a prime material consideration and the main policy base for the determination of development proposals.

5.3 The relevant policy in the East Ayrshire Local Plan is RES4.

“Within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council’s Development Promotion and Design Guidance”.

Given the consultation responses and having assessed the site, it is considered that the proposal will comply with the terms of the Finalised East Ayrshire Local Plan.

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 There are no other planning considerations.

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

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 It is considered that the proposed development does comply with Policy RES4 of the Finalised East Ayrshire Local Plan and can be developed in such a way as not to have a significant detrimental impact on adjacent properties, meriting refusal.

8.2 The objections raised by the neighbours in particular in relation to drainage and road safety issues have been addressed by the appropriate

authorities in their consultation responses. They have not indicated that the application should be refused.

## **9. RECOMMENDATION**

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

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

13 December 2000  
CSI/MMM

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection/support/representation.
5. Amendments to the application.
6. Correspondence from/to the applicant
7. East Ayrshire Council Local Plan (Finalised Version).

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

00/0354/OL

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Site of Proposal:	House Plot Cemetery Road GALSTON KA4 8LL
Natural of Proposal:	Proposed Development of Land for Residential Purposes (One House)
Name & Address of Applicant:	Mr Peter Armour 22 Sorn Place GALSTON KA4 8JA
Name & Address of Agent:	

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DPOs Reference: CSI/MMM

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

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 03 May 2000 as revised by the block plan received by the Planning Authority on 06 November 2000.

REASON To ensure that the development is carried out in accordance with the approved details.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouse;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for open space;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site;
- (i) Finished site levels/floor levels.

REASON The approval is in outline only.

3. The details to be submitted under Condition 2 above shall provide for the height of the dwellinghouse to be restricted to no greater than 1½ storeys.

REASON In the interests of visual amenity.

4. A turning space shall be provided and maintained on the site to the satisfaction of the Planning Authority to enable vehicles to enter and leave the site in forward gear at all times.

REASON To safeguard the residential amenity of the area and in the interest of highway safety.

5. Prior to the commencement of development on site, the applicant shall satisfy him/herself as to the suitability of the site for construction purposes.

REASON In the interests of public safety and having regard to known past subsidence.

6. The existing hedge along the northern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority (except insofar as to allow access to the site in accordance with Roads Division requirements). Details of the extent of any hedge loss shall be submitted further to Condition 2 above.

REASON In the interests of visual amenity.

7. Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the house shall match the materials of the adjacent houses.

REASON In the interests of visual amenity.

8. The access to the main road shall be constructed in accordance with details to be agreed in writing by the Planning Authority, before any other development commences on the site.

REASON In the interests of residential amenity and road safety.

9. The details to be submitted under condition 2 shall allow for a maximum of 30% coverage of the plot by the proposed dwelling.

REASON In the interests of visual amenity.

Note: There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**