

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 AUGUST 2001

**01/0124/OL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE
AT CLOCKSTON ROAD, GALSTON
BY MR & MRS J McWHIRTER**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This outline planning application proposes the erection of a single detached dwellinghouse in the gap site between Millrowan and Dalwhinnie.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5 of the above report, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at paragraph 6 of the report, there are material considerations relevant to this application, specifically Policy RES 4 of the East Ayrshire Local Plan. As indicated in the report, the terms of this policy cannot be met and the proposal cannot therefore be supported.

3.2 Should the Committee be of a mind to approve the application it will require to be referred for consideration to the Development Services committee in that it would represent a significant departure from policy.

**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 application which is to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the southern end of Galston on Clockston Road within the East Ayrshire Local Plan settlement boundary of Galston. The 0.7 acre development site is a gap site with detached dwellings to both the north and south of the site, both erected over ten years ago. The site is bounded to the west by an area of ancient woodland adjacent to the Burnawn watercourse.

2.2 **Proposed Development:** This outline planning application proposes the erection of a single detached dwellinghouse in the gap site between Millrowan and Dalwhinnie.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have confirmed that they have no objections subject to the following conditions:-

- “ 1. The access into the property should be 3.0 metres wide and constructed to roads Division's standard over the first 2.0 metres from the road channel. The applicant will be required to obtain a road opening permit prior to construction of the access to ensure an adequate standard of work.
2. The existing verge fronting the site will be retained at 2.0 metres width, remaining part of the public road.
3. The sight line for the new access must be x=2.5 metres and y=90 metres, which will require the removal of hedges outwith the application site.”

The applicant is unable to achieve the required sightlines in a northerly direction. 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 The Coal Authority have stated that the development is not within the zone of likely physical influence on the surface from past underground coal workings. However, a prudent developer would seek appropriate technical advice before works are undertaken on site.

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

3.4 The West of Scotland Water Authority have noted that no public sewers are available for connection in the immediate area. Therefore, provided an adequate septic tank is utilised in the correct position, they have no objections to the application.

Noted.

3.5 Scottish Environment Protection Agency have no objections to the proposed development provided the foul drainage from the site is connected to a septic tank which is installed in accordance with BS6297:1983.

A condition can be added to any grant of planning consent regarding SEPA's recommendations.

3.6 Scottish Natural Heritage has no objection to the proposal. Please note, however, that the site is adjacent to a section of ancient woodland. This means there has been a proven continuity of woodland cover for at least 230 years, which is likely to be modified remnants of Scotland's original forest cover. Such woodland is very important in nature conservation terms.

Deliberate or accidental disturbance of the woodland during construction must be avoided. In addition, controls should be put in place to prevent pollution of the watercourse. Guidance on this is available from the Scottish Environment Protection Agency (SEPA).

The applicant should also be made aware that should evidence of badgers living on or very close to the site be uncovered, work should cease and SNH contacted for advice.

Noted. Conditions relating to works near or affecting the woodland can be attached to any grant of planning permission. Further conditions can also be attached to prevent pollution of the watercourse and to protect any badgers living on or close to the site.

4. REPRESENTATIONS

4.1 No representations have been received regarding this application.

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 Country 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 outwith the town boundary and for agricultural land. Therefore the development fails to accord with this plan.

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) and the consultations detailed above.

6.2 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 (EALP) should be considered a prime material consideration.

6.3 Policy RES4 of the EALP 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 implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council’s Development Promotion and Design Guidance”.

The development site is within the settlement boundary of Galston however, as is noted in the roads Division’s consultation response in para 3.1 above, the applicant cannot achieve the required sightlines and therefore the proposal does not accord with the criteria of Policy RES 4.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5 above, the application is not 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 refused unless material considerations indicate otherwise. As is indicated at paragraph 6 above, there are material considerations relevant to this application, specifically Policy RES 4 of the East Ayrshire Local Plan. As indicated in the report, the terms of this policy cannot be met and the proposal cannot therefore be supported.

8.2 Should the Committee be of a mind to approve the application it will require to be referred for consideration to the Development Services committee in that it would represent a significant departure from policy.

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

23 August 2001
(CSI/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.

2. Statutory Notice/Certificates.
3. Ayrshire county Development Plan.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Approved Ayrshire Joint Structure Plan.
6. Consultations.

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

01/0124/OL

Site of Proposal: Gap Site Adj Millrowan
Clockston Road
GALSTON

Nature of Proposal: Proposed Erection of Single Dwellinghouse

Name & Address of Applicant: Mr & Mrs J McWhirter
5A Henrietta Street
GALSTON KA4 8HW

Name & Address of Agent:

DPOs Reference: CSI /MMM

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

1. The proposed development is contrary to the Ayr County Development Plan in that the land is identified as agricultural land and not for the purposes of residential development. There is no presented justification which would merit approval of the application contrary to the terms of the Development Plan.
2. The proposed development is contrary to Policy RES 4 of the East Ayrshire Local Plan, Finalised Version with Modifications as the proposal fails to comply with the criteria relating to transportation and infrastructure implications due to the inability to provide adequate sightlines as required by East Ayrshire Council's Roads and Transportation Division.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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AGENDA