

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 13 JUNE 2003

**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

1.1 The development comprises of a proposal for outline planning permission for one house plot in a part of 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. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application if subject to conditions, is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report material considerations are supportive of a favourable recommendation.

3.2 The objections raised by the neighbours, in particular in relation to drainage and road safety issues, can be addressed by the attachment of appropriate conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to Development Services Committee as it would not be a significant departure from the EALP.

**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 part of the field between Galston Cemetery and the existing housing on Cemetery Road.

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

3. CONSULTATIONS

3.1 East Ayrshire Council Roads and Transportation Division has no objections subject to the provision of a vehicle turning head within the site to be provided by the applicant prior to the occupation of the dwelling, and vehicles should enter and leave the site in forward gear.

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

3.2 Scottish Water have no objection to the proposal and will allow a connection to the public sewer.

Noted. This comment is on the basis of works now having been completed upstream which remove surface water from the public sewer.

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 40m to 90m depth, the last date of working being 1912. Ground movement from these past workings should by now have ceased. They have no knowledge of any mine entries within, or within 20 m of the boundary of the property.

Records in their possession do not disclose any fault or other line of weakness at the surface as having affected the stability of the property.

Noted.

3.4 The Scottish Environment Protection Agency has 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

Three letters of objections 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, 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.

Scottish Water have confirmed that works upstream of Cessnock Road, as part of another housing development, have recently been completed. This will remove surface water from the public sewer, resulting in an increased capacity and they have no objection to this proposal connecting to the foul sewer.

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 increasing amount of traffic and heavy traffic 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 head to be constructed within the site. (See para 3.1.) This feature would be formed to an adaptable standard and would become part of the public road, and indeed the first element in proposals to manage future traffic usage of Cemetery Road.

4.3 Site Stability – A 15ft diameter hole, 4ft deep, suddenly appeared in the area within 20ft 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 satisfy himself as to the stability of the site can be attached 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 in the last district plan some years ago. This was rightly done following objections which still stand. No infrastructure improvement has been undertaken to merit approval.

The site is identified within the town boundary of Galston in the Adopted East Ayrshire Local Plan and therefore falls to be assessed against the residential policies for new housing within settlement boundaries (see Section 5 below). The proposal meets with the terms of the relevant policy. The key consultees in this case, Scottish Water, Roads Division and SEPA, do not oppose the development.

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 Approved East Ayrshire Local Plan.

5.2 The relevant policy in the Adopted East Ayrshire Local Plan is RES 4:

“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 does comply with the terms of the EALP. A condition can be added to any grant of planning consent regarding the house style, plot coverage, building line and design of the development.

5.3 Policy ENV 7 relates to the compliance of developments with the EALP Design Guidance. This can be most usefully assessed when reserved matters are submitted. All Developers will be expected to comply fully with the Council's Design Guidance and policy documents on development. This policy is to ensure that a high standard of development is achieved in accordance with the Council's design guidance.

A condition can be attached to any grant of planning consent to ensure that the development complies with the Council's Design Guidance in respect of reserved matters subsequently submitted.

Planning History

5.4 An outline planning application was refused on 16 November 1978 by Kilmarnock and Loudoun District Council for the erection of two or three detached houses. The application was refused due to it not being in accordance with the District Council Interim planning policy statement on housing development and the site not being included within the zoning provision of the approved town map for Galston.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultations and objections as detailed above. The consultations indicate that subject to conditions the proposal would be acceptable.

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 As is indicated in Section 5 of the report, the application if subject to conditions, is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report the material considerations are supportive of a favourable recommendation.

8.2 The objections raised by the neighbours, in particular in relation to drainage and road safety issues, have been fully considered but can be addressed by the attachment of appropriate conditions to any consents.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 and Building Control, the application would not require to be referred to Development Services Committee as it would not be a significant departure in terms of the EALP.

Alan Neish
Head of Planning and Building Control

02 June 2003
(AG/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. Adopted East Ayrshire Council Local Plan.
8. Approved Ayrshire Joint Structure Plan 1999.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0354/OL

Site of Proposal:	House Plot Cemetery Road GALSTON KA4 8LL
Nature 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:	

DPOs Reference: AG/MMM

The above OUTLINE 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 3 May 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 under mentioned 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) Existing and proposed site levels and proposed floor levels.

REASON The approval is in outline only.

3. The details to be submitted further to Condition 2 above shall provide for the height of the dwellinghouse to be restricted to no greater than 1½ storeys and for its design to be compatible with the principles of the Council's Approved Design Guidance.

REASON In the interests of visual amenity.

4. The details to be submitted further to Condition 2 above shall provide for the formation of a turning head which shall be provided to an adoptable road standard. This turning head shall be maintained on the site to the satisfaction of the Planning Authority as a public turning facility. Additionally, an off-street manoeuvring area shall be provided such that vehicles can 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. The access to, and the turning head at, Cemetery 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.

8. 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.

9. The details submitted under Condition 2 above shall provide for the building to be set at a distance from the heel curb of the road which is compatible with the building line of adjacent properties.

REASON In the interests of visual amenity.

**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.**