

## REGULATORY PANEL: 23 JUNE 2022

### REPORT BY PLACE DIRECTORATE

22/00164/APP

### WATER PIPE ADJACENT TO GREGG BRIDGE B734 FROM A714 JUNCTION AT PINMORE BRIDGE TO BARR PINMORE SOUTH AYRSHIRE

#### Location Plan



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#### Summary

Planning permission is sought for the installation of handrailing and a signpost with associated safety signage. The development is proposed on the basis that the applicant considers the works to be essential to meet current health and safety requirements.

The proposed handrail is to be erected within an area of open space on the northern bank of the river Gregg, adjacent to the existing water pipe and shall have a height of approximately 1.1 metres and a width of approximately 3 metres. The handrail shall be painted dark green in colour to match other fencing erected within Barr conservation area. A 1.1 metre signpost is to be erected within an area of open space on the southern bank of the river, adjacent to the existing water pipe.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application site is land in the ownership of South Ayrshire Council and the application has received 1 or more competent written objections. A total of 3 representations have been received objecting to proposal. 1 neutral representation has been received on behalf of Barr Community Council.

The development has been assessed against the relevant policies of the adopted South Ayrshire Local Development Plan and other applicable material considerations and it is considered that – suitably conditioned – the proposal accords with the provisions of the aforementioned local development plan.

Accordingly, it is recommended that the application is approved subject to conditions.

## REPORT BY PLACE DIRECTORATE

**REGULATORY PANEL: 23 JUNE 2022**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00164/APP</b>
<b>SITE ADDRESS:</b>	<b>WATER PIPE ADJACENT TO GREGG BRIDGE B734 FROM A714 JUNCTION AT PINMORE BRIDGE TO BARR PINMORE SOUTH AYRSHIRE</b>
<b>DESCRIPTION:</b>	<b>INSTALLATION OF HANDRAILING WITH SIGNAGE</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### **1. Proposal:**

The site of the proposed development is land adjacent to an existing water pipe which crosses the River Gregg, Barr. The site is situated approximately 18 metres from the C listed Gregg Bridge and approximately 6 metres from Stinchar Road. The application site is also located within Barr Conservation Area.

The existing water pipe that crosses the burn is above ground, is accessible to the public and currently has no access restrictions or advisory warning signage. Planning permission is sought for the installation of handrailing on the northern bank of the river and a signpost with associated safety signage on the southern bank of the river. While the water pipe has been in place for some time without an associated handrailing or signpost, the development is proposed on the basis that the applicant considers the works to be essential to meet current health and safety requirements

The proposed handrail shall have a height of approximately 1.1 metres and a width of approximately 3 metres and shall be painted dark green in colour to match other fencing erected within Barr conservation area. The signpost would measure 1.1 metres in height.

As the applicant is a statutory undertaker, the appearance of the warning signage to be affixed to the proposed handrail and signpost is not subject to assessment as part of the current application, as per the provisions of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the application site is land in the ownership of South Ayrshire Council and the application has received 1 or more competent written objections. A total of 3 representations have been received objecting to proposal. 1 neutral representation has been received on behalf of Barr Community Council.

## 2. **Consultations:**

No consultations were undertaken for this application.

## 3. **Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations. None.

## 4. **S75 Obligations:**

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. None.

## 5. **Scottish Ministers Directions:**

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

## 6. **Representations:**

4 representations have been received, 3 of which object to the proposed development and 1 neutral representation has been received from Barr Community Council. All representations can be viewed online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issues raised by representees can be summarised as follows:

- Impact of proposals on visual amenity of locale.
- The requirement for the proposals to be installed at this location

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning). A response to these representations is included within the assessment section of this report.

## 7. **Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

### (i) **Development Plan**

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The following provisions of the development plan are considered relevant to the consideration of this application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx> :

LDP Policy: Sustainable Development  
LDP Policy: Historic Environment  
LDP Policy: Open Space

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The development proposal has been assessed against the above policies and is considered to be in accordance with the development plan.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. At a meeting on 10th March 2022, South Ayrshire Council considered and agreed to accept Modifications, as recommended by the DPEA. At the same meeting, the Council agreed to submit the Plan (including those recommended modifications) to Scottish Ministers as the Local Development Plan that it intends to adopt. LDP 2 now forms a substantial material consideration in the determination of planning applications.

The provisions of PLDP2 remain largely unchanged from the Adopted South Ayrshire Local Plan in so far as the application site continues to be identified as a location suitable for the proposed development. The application has been considered in this context.

(ii) Other Policy Considerations (including Government Guidance)

*Scottish Planning Policy;*

Scottish Planning Policy (SPP) states that Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance.

*Historic Environment Policy for Scotland;*

Historic Environment Policy for Scotland offers guidance on the protection and management of the historic environment and indicates that the planning authority is required to have regard to the desirability of preserving or enhancing the character and appearance of a conservation area.

*South Ayrshire Council Supplementary Guidance: Historic Environment:*

Policy 1 of the above Supplementary Guidance (SG) refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to new development.

Policy 3 of the above SG refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance.

It is considered that the installation of an approximately 1.1-metre-high handrail, 1.1 metre signpost and associated warning signage will not compromise the character or visual amenity of Barr Conservation Area at this locale.

The proposed handrail is to be located on the northern bank of the river adjacent to an existing water pipe bridge, approximately 6 metres from the edge of the public footway and shall have a length of approximately 3 metres. The location of the handrail is partly screened by existing trees and is to be finished in a dark green colour so it will be inconspicuous and will safeguard the character and appearance of the conservation area. The proposed signpost is to be located on the southern bank of the river, adjacent to the existing water pipe bridge and will also be inconspicuous amongst the existing tree cover. Considering the above, the proposed development will have a neutral impact on the character and visual amenity of the Barr conservation area at this locale.

Additionally, it is not considered that the proposed development would result in a detrimental impact on the character or setting of the nearby C-listed Gregg bridge as the works are located approximately 20 metres from this existing structure.

(iii) Objector Concerns

The concerns of the objectors have been summarised and considered as follows:

- *Impact of proposals on visual amenity of locale*

The potential impact of the proposed development on the character and appearance of the conservation area has been fully considered in both sections 7(ii) and (iv) of this report. In reference specifically to the proposed signage, as the applicant is a statutory undertaker, the appearance of the warning signage to be affixed to the proposed handrail and signpost is not subject to assessment as part of the current application, as per the provisions of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The application is considered in this context.

- *The requirement for the proposals to be installed at this location*

The applicant outlined in their initial supporting statement that the works are required to be undertaken urgently to meet health and safety requirements. The water pipe, that the proposed works are associated with, crosses the burn above ground, is accessible to the public and currently has no access restrictions or advisory warning signage. The applicant also provided additional information regarding the undertaking of the site inspection and survey to determine what intervention was suitable, in this instance, to mitigate identified health and safety risks. They noted that an original solution – installation of anti-climb devices directly onto the pipe bridge – resulted in concerns being raised locally in relation to the visual impact of these devices. As such the proposals which are subject of this planning application were selected as a suitable alternative to mitigate the concerns raised.

(iv) Impact on the Locality

As noted in section 7 (ii) above, the application site is situated within Barr conservation area. As outlined, due to the nature, appearance, and siting of the development proposals, they are not considered to result in a detrimental impact on the character or appearance of the conservation area at this locale.

The application site is also situated within an area designated as open space. It is noted that The LDP Policy 'Open Space' supports protection of open space from development and does not support development which is not related to the use of open space on which it is sited. Proposals may be considered acceptable where the scale, use and design of a development is appropriate to the existing character of the open space and there is no individual or cumulative effect on the amenity or recreational value of that site. In this instance the development will not result in the loss of any open space as the development relates to the existing water pipe installed at the locale and the development is also required for the purposes of health and safety. The proposals are considered to be relatively minor in scale and sited where existing tree cover shall provide some screening from the wider locale. As such the proposed development is not considered to undermine the existing area of open space or have a detrimental impact on the visually amenity of the locale.

Additionally, it is noted that there are residential properties situated to the south of the application site on The Clachan. However, due to the modest nature of the development proposals, separation distances and screening by trees, it is not considered that there shall result in any adverse impact on the residential amenity of said dwellings.

In light of this assessment and that above in regard to the effects of the development on the character and appearance of the conservation area, it is considered that, subject to conditions, the development shall preserve the character and appearance of Barr conservation area.

**8. Conclusion:**

The development proposals are required in this case for health and safety reasons. While the water pipe has been in place for a long time, health and safety regulations and standards have progressed and it is in this regard that the current proposals have been submitted to the planning service. The handrailing and sign post with associated advisory warning signage are modest in scale and nature and will benefit from a degree of screening from the tree cover in the immediate area. The handrail will be painted green to match other railings in the Conservation Area. Having considered the merits of the case, it is considered that the proposals are acceptable and will not impact adversely on the character of the Conservation Area.

## **9. Recommendation:**

It is recommended that the application is approved with condition(s).

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That, in event that both the handrail and signpost hereby approved are no longer required in association with the water pipe that crosses the river, they shall be removed, and the site shall be restored to the satisfaction of the Planning Authority within one month of the removal of the equipment.

### **Reasons:**

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To ensure there is no unnecessary equipment in this area of open space and to ensure the reinstatement of the site to a satisfactory standard.

### **Advisory Notes:**

N/A

### **List of Determined Plans:**

Drawing - Reference No (or Description): 5022030000-WN-DRA-04170013  
Drawing - Reference No (or Description): 5022030000-WN-DRA-04170014  
Drawing - Reference No (or Description): 5022030000-WN-DRA-04170015  
Drawing - Reference No (or Description): Warning Signage Example

### **Reason for Decision (where approved):**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

### **Background Papers:**

1. Planning application form and plans.
2. Adopted South Ayrshire Local Development Plan (available online)
3. South Ayrshire Local Development Plan 2 (available online)
4. Supplementary Guidance: Historic Environment (available online)
4. Representations (available online)
6. Scottish Planning Policy (available online)
7. Historic Environment Policy for Scotland (available online)

### **Equalities Impact Assessment:**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### **Person to Contact:**

Ms Emma McKie, Planner (Place Planning) - Telephone 01292 616 203