

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 DECEMBER 2004**

**03/0989/FL: PROPOSED TEMPORARY CARAVAN SITE DURING  
CONSTRUCTION OF M77  
AT LAND AT MEIKLE MOSSIDE, FENWICK  
BY VHE CONSTRUCTION PLC**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The application concerns siting caravans for the purposes of an employee construction camp at the site. The occupants are part of the construction crew for the M77 upgrade works and temporary consent is sought for the site for the duration of that construction project. The caravans have been on site for many months now and the application was initially sought after the matter was raised with this Division. There is no maximum number of vans sought, simply the permission to utilise an area for the purpose.

1.2 During recent visits to the site in early summer this year discrepancies were noted between the application boundary as detailed in the submission and the actual location of the vans on site. Additionally further vans were noted elsewhere in the area. The applicants have been requested twice to amend the application and address the issue of the vans being sited outwith the confines of the application site. To date no response has been received.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons indicated in the report. It is also recommended that the Committee agree to the commencement of enforcement action to secure removal of the caravans from the site within an appropriate timeframe.**

#### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 above the application in its current form is considered to be neither in accordance with nor contrary to the Development Plan.

3.2 The material considerations, chiefly the actions of the applicant in not providing adequate accurate plans, consequently assume prime importance and lead to the conclusion that the application should be refused.

### **CONTRARY DECISION NOTE**

Should the Committee agree to approve the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not comprise a significant departure from policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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, Development and Building Standards**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present an application for planning permission which is required to be determined by the Local Planning Committee under the scheme of delegation as it is subject to objection and is recommended for refusal.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site involved in this case is approximately one acre of a larger area of infilled land to the immediate east of the new extended complex at Meiklemosside Activity Centre to the north of Kilmarnock. The site is surrounded on all sides by the existing complex of, and land attached to, Meiklemosside. Caravans are currently in place on the site and elsewhere at the Activity Centre.

2.2 **Proposed Development:** The application concerns siting caravans for the purposes of an employee construction camp at the site. The occupants are part of the construction crew for the M77 upgrade works and temporary consent is sought for the site for the duration of that construction project. The caravans have been on site for many months now and the application was initially sought after the matter was raised with this Division. There is no maximum number of vans sought, simply the permission to utilise an area for the purpose.

2.3 During recent visits to the site in early summer this year discrepancies were noted between the application boundary as detailed in the submission and the actual location of the vans on site. Additionally further vans were noted elsewhere in the area. The applicants have been requested twice to amend the application and address the issue of the vans being sited outwith the confines of the application site. To date no response has been received.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland were consulted on the basis of any impact the proposal may have on the heritage resources that are in the vicinity of the site. They have advised that as the site lies outwith the boundary of the designed landscape attached to Rowallan, and the anticipation that the caravans will be screened, they have no objections to the proposal.

***Noted. The caravans have not to date been screened.***

3.2 Scottish Natural Heritage have confirmed they have no objection to the application. They advise that the negative affects of the proposal on the heritage interests could be mitigated by screening.

***Noted. The site is adjacent to the nearby listed wildlife site and is part of field, with mixed rushes and underlying peaty soils, which has been infilled. SNH have recommended that the site be re-located. The site is detailed as being 20m from the western edge of the wildlife site. However as stated above the plans are inaccurate and clarification has been sought.***

3.3 Scottish Environment Protection Agency has confirmed that it has no objection to the proposed development, understanding that the foul drainage is to be collected for off-site disposal. They have passed pollution control guidelines to the applicant.

***Noted.***

3.4 East Ayrshire Council's Roads and Transportation Division have raised no objection to the application.

***Noted.***

3.5 Scottish Water have advised that they have no objection to the application confirming that there are no known sewers available for connection and that the applicant should contact their office for the purposes of any technical advice on the matter of accommodating the proposal.

***Noted.***

3.6 Dean and Southcraigs Community Council have not objected to the proposal.

***Noted.***

#### 4. REPRESENTATIONS

Objections have been submitted from an adjacent landowner raising the following issues:-

4.1 The proposal and related infill has resulted in pollution problems in nearby watercourses.

***Noted. SEPA have been consulted in respect of the proposal and raised no objection..***

4.2 The development has resulted in an increase in traffic that constitutes a traffic hazard.

***Noted. The Council's Roads Division has not objected to the application on the grounds of road safety.***

4.3 The application conflicts with the terms of then Structure Plan and the Adopted East Ayrshire Local plan in respect of the impact on the local heritage resources.

***The Development Plan considerations are detailed below in Section 5 but the position of Historic Scotland and Scottish Natural Heritage as above should be noted.***

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 prescribe that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this plan the development plan constitutes the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.(2003).

5.2 Policy ENV 10 confirms that development likely to adversely affect provisional wildlife sites will be re-sited.

***In the absence of an accurate submission it is not possible to properly assess the impact of the development on such natural heritage resources.***

5.3 Given the nature of the proposal it has been assessed against the terms of the local plan where Policy RES 12 applies.

This policy prescribes the circumstances where proposals for temporary residential accommodation will be acceptable. The principle of the proposal could be acceptable subject to the securing of appropriate screening however as stated above the submitted information is not accurate and the implications of the proposals cannot be fully assessed.

***In this respect the proposal before the Committee can neither be said to be consistent with nor contrary to the Development Plan. On that basis more weight should be given to the material considerations.***

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

6.1 The principal material considerations in this case are the consultation responses, letters of objection and the correspondence with applicants.

6.2 The consultations are generally supportive of the application subject to the provision of accurate updated information.

6.3 The lack of accurate information on the proposal, and the applicants apparent reluctance to provide more information on this matter, constitute the major impediment to the proper assessing of the application. Accordingly it is considered that the material considerations on balance lead to the refusal of the application.

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

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

7.2 In terms of the Legal aspects, if the Committee agree to refuse the application it is recommended that they also agree to the commencement of Enforcement Action designed to secure the removal of the caravans from the site within a suitable time frame.

7.3 The Division would also, in circumstances of a refusal, pursue with the landowners the issue of the infilling of the ground that has taken place in the vicinity of the application site. The intention would be to secure reinstatement of the land to its former condition unless an appropriate proposal is forthcoming for the land as infilled.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 above the application in its current form is considered to be neither in accordance with nor contrary to the Development Plan.

8.2 The material considerations, chiefly the actions of the applicant in not providing adequate accurate plans, consequently assume prime importance and lead to the conclusion that the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated in the report. It is also recommended that the Committee agree to the commencement of enforcement action to secure removal of the caravans from the site within an appropriate timeframe.**

### **CONTRARY DECISION NOTE**

Should the Committee agree to approve the application contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not comprise a significant departure from policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

07 December 2004  
(IW/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application form/Plans.
2. Statutory Notices /Certificates.
3. Consultations.
4. Letters of objection.
5. Correspondence.
6. Approved Ayrshire Joint Structure Plan (1999).
7. Adopted East Ayrshire Local Plan ( 2003).

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0898/FL

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Site of Proposal: Land at Meikle Mosside  
Fenwick  
KILMARNOCK KA3 6AF

Nature of Proposal: Proposed Temporary Caravan Site During the  
Construction of M77

Name & Address of Applicant: VHE Construction Plc  
Phoenix House  
Hawthorn Park  
Coal Road  
LEEDS LS14 1PQ

Name & Address of Agent:

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DPOs Reference: IW/MMM

The above FULL application should be refused for the following reasons:-

1. No adequate, accurate plans have been submitted for the purposes of fully assessing the proposal, and its impact, on the visual amenity and natural heritage of the surrounding area.
2. The development as thus far implemented on site, constitutes a detrimental impact on the amenity of the area by reason of visual clutter

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