

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2004

**02/0575/LB: PROPOSED ARCH AND SPANDREL WALL STRUCTURE
REMEDIAL WORK**

02/0576/FL: PROPOSED REMEDIAL WORKS TO RAILWAY VIADUCT

BURNTON VIADUCT, DALRYMPLE

BY NETWORK RAIL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applications which are in retrospect seek permission for a range of remedial works to the viaduct that have most obviously included the provision of structural steelwork supports beneath spans 13, 14 and 15. The elevated, curved viaduct had been exhibiting cracking on its vertical faces, earlier brick patches had become de-bonded from existing masonry, a number of the voussoirs were cracking and the parapet masonry was leaning outward and becoming friable. A substantial range of repairs is detailed in the applications and these have now been completed. Within these repairs are measures to reduce loading on the stone viaduct.

1.2 The repairs to the external elements of the viaduct utilise materials to compliment the existing structure. Use has been made of coloured concrete with a facing to match existing voussoirs and the re-use of cores with sympathetic mortar where tie bars are installed.

1.3 The works to the viaduct commenced in the spring of 2002. When made aware of their commencement, the Planning Authority initially concluded that these amounted to emergency repairs/maintenance not requiring permission, but when their extent became more evident, it was clear that formal planning and listed building applications would be required.

1.4 In respect of that part of the viaduct in South Ayrshire, Listed Building Consent was granted in May 2003 for various repairs. The condition of the structure was such that those works did not extend to the provision, within that Authority, of substantial steelwork supports such as required beneath spans 13, 14 and 15 in East Ayrshire.

2. RECOMMENDATION

2.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the listed building application also be approved, subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, it is considered that the proposals in general are compliant with the development plan and that with particular regard to the steelwork supporting arches 13, 14 and 15, it can be justified as a temporary measure, notwithstanding its appearance. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 a recommendation of approval subject to a time limiting condition relative to the steelworks would be consistent with policy.

3.2 There are material considerations but these are not considered in themselves to merit refusal of the proposals; rather they should inform the application of relevant conditions in respect of matters such as bat boxes and the after treatment of the immediate site area.

3.3 The applicants acknowledge that upon removal of the supporting steelworks to arches 13, 14 and 15 the stability of the structure cannot be absolutely guaranteed and may again become problematic. A temporary consent of 12 months in respect of the steelworks would allow for this situation to be identified and for a more appropriate long term solution, if necessary, to be explored.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control, the applications would not require to be referred to the Development Services Committee as they would not represent a significant breach of 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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BURNTON VIADUCT, DALRYMPLE

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Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to jointly present for determination a listed building application and a full planning application which are to be considered by the Local Planning Committee under the scheme of delegation because the applications are subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the category "B" Listed Burnton Viaduct located approximately half a mile to the north east of Dalrymple. The stone built viaduct, which is up to 25 metres in height, contains 16 spans, 6 of which lie in East Ayrshire, the remainder are in South Ayrshire. The rail line is currently in use, serving the Chalmerston open cast site from which up to 18 trains per week may cross the viaduct.

2.2 **Proposed Development:** The applications which are in retrospect seek permission for a range of remedial works to the viaduct that have most obviously included the provision of structural steelwork supports beneath spans 13, 14 and 15. The elevated, curved viaduct had been exhibiting cracking on its vertical faces, earlier brick patches had become de-bonded from existing masonry, a number of the voussoirs, (curved stone to edge of arches), were cracking and the parapet masonry was leaning outward and becoming friable. A substantial range of repairs is detailed in the applications and these have now been completed. Within these repairs are measures to reduce loading on the stone viaduct.

2.3 The repairs to the external elements of the viaduct utilise materials to compliment the existing structure. Use has been made of coloured concrete with a facing to match existing voussoirs and the re-use of cores with sympathetic mortar where tie bars are installed.

2.4 The works to the viaduct commenced in the spring of 2002. When

made aware of their commencement, the Planning Authority initially concluded that these amounted to emergency repairs / maintenance not requiring permission, but when their extent became more evident, it was clear that formal planning and listed building applications would be required.

2.5 In respect of that part of the viaduct in South Ayrshire, Listed Building Consent was granted in May 2003 for various repairs. The condition of the structure was such that those works did not extend to the provision, within that Authority, of substantial steelwork supports such as required beneath spans 13, 14 and 15 in East Ayrshire.

3. CONSULTATIONS

3.1 East Ayrshire Roads and Transportation Division advised that the contractors received a conditional road-opening permit to cover access arrangements close to a dangerous bend on the B742. They had no objections to the development subject to appropriate discussion and agreement of the access and operational arrangements.

In as much as the applicant has felt obliged to proceed with these works in advance of the issue of consents and given the contact made with Network Rail by the Roads Division, it is considered that any planning consent could be conditioned requiring the access arrangements to be fully in compliance with the requirements of the Roads Division.

3.2 Dalrymple Community Council have not replied to their consultation.

Noted.

3.3 The Scottish Environment Protection Agency states that it has no objection to the works in principle provided they comply with PPG5 (Pollution Prevention Guidelines) "Works in, Near or Liable to Affect Watercourses". SEPA passed a copy of this document to the applicants upon being consulted.

It is considered that these matters could be addressed by a note attached to any grant of planning consent.

3.4 Historic Scotland had offered informal comments to the effect that it would be useful to know what the intentions were in respect of the structural steelwork before issuing consent. Upon being advised that the steelwork was temporary; to the extent that the steelwork would be removed provided this did not trigger further instability in the structure; Historic Scotland are prepared to offer qualified support for any temporary permission for the steelwork and the applications.

The applications have been under consideration for some considerable time. It is clearly the case that the retention of the viaduct should be a priority and that this should be undertaken such that it retains its listed quality and can continue to sustain an operational rail facility. The Division has been pursuing

clarification from the applicants about the success or otherwise of the works which have been undertaken, this with the intention of being able to inform Historic Scotland and being able to frame a possible recommendation in terms consistent with the stabilising of the viaduct. It is only now that there has been a period of monitoring of the viaduct as repaired that it has been possible to draft conditions relevant to the known condition of the structure. Network Rail have indicated that after a period of apparent structural stability and with funding now available to them, they can undertake removal of the supporting steelwork.

Network Rail hope that there will be no deterioration in the stability of the viaduct upon removal of the steelwork and are embarking on a two month programme to do so. In the event that movement recurs, and to again stabilise the structure, they confirm that the supports would require to be re-instated to the three spans. In this event, the Division would intend to discuss with Network Rail what more visually appropriate stabilisation methods could be introduced for the long term.

3.5 Architectural Heritage Society of Scotland has indicated that the works to spans 13, 14 and 15 are aesthetically jarring. Other repair works are “similarly brutal” with concern about the number and size of holes bored into the stonework. If the track bed is to be raised, will the parapets also require to be raised? Full remediation of the viaduct’s setting is required following the clearance of roadways and vegetation. It is likely that bats may colonise the structure and bat boxes and swift nest-cells should be unobtrusively installed. We object to the manner of implementation of the works not to important structural remediation.

Noted. Where tie bars have been installed into the structure, the applicants recognise that where cores have been removed to facilitate the introduction of the tie bars, they should be replaced with the use of sympathetic mortar. The parapets are not shown as being raised in height as the track is in fact shown as being lowered.

Scottish Natural Heritage comment that any bats would be afforded statutory protection. The applicants have proceeded with works notwithstanding the outstanding requirement for planning and listed building consent but have done so in order to secure the future of the listed viaduct. Any offence consequent upon those works in respect of the Wildlife and Countryside Act 1981, would be a matter for Network Rail to address.

3.6 Scottish Civic Trust has no objections to the development.

Noted.

3.7 Scottish Natural Heritage have no objections to the proposals but highlight the protection offered to any bats utilising the structure, under the Wildlife and Countryside Act 1981. They recommend survey of the structure outwith periods when the creatures may be hibernating.

As discussed above, the works are largely concluded, driven by the imperative of securing the viaduct. In that the repairs seek to remedy various cracks in the structure, it would be appropriate to provide alternative accommodations for bats by the introduction of bat boxes, secured by condition.

3.8 National Air Traffic Services have commented that they have no objections to the works.

Noted

4. REPRESENTATIONS

Other than the objection from Architectural Heritage Society of Scotland detailed above, the planning and listed building applications have attracted two, (each), third party objections. The grounds of objection are as follows:-

4.1 I have no objection to the strengthening of the trackway or the parapets, but do object to the three temporary supports to arches 13, 14 and 15. These are out of keeping with the fine masonry structure and have a deleterious long term affect. Even as temporary structures, they are inelegant, unwieldy and inappropriate.

4.2 The application does not refer to the works as temporary.

4.3 These must be temporary structures as it would not be reasonable for them to become permanent parts of the structure.

4.4 It would be unreasonable to not grant a temporary consent pending stabilising works.

4.5 If these are temporary, the applicant must submit proposals for long term permanent repairs which would require consent in their own right.

4.6 The viaduct has a Romanesque appearance and every effort should be made to preserve it.

There has been lengthy correspondence with the main third party objector with a view to keeping them informed about matters on site. There is no doubt that the works to the three spans are seriously to the detriment of the character of the "B" Listed Building. However, they are also without doubt necessary to secure repairs which subsequently, and hopefully, facilitate the eventual retention of the viaduct without the current supporting steelwork. Should it be the case that removal of the steelwork results in renewed instability, then a more aesthetically acceptable, long term solution will need to be pursued. A temporary consent in respect of the use of steelwork to spans 13, 14 and 15, as suggested by the objector, would allow for the affects of steelwork removal to be assessed and for discussions

regarding an alternative long term solution, should the repairs to date prove to be insufficient to secure the viaduct.

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 (AJSP) and the Adopted East Ayrshire Local Plan, (EALP).

5.2 The AJSP indicates in Policy E20 that proposals having an adverse affect on listed buildings of architectural and historic interest shall not conform to the structure plan.

That element of the proposals comprising the supporting steelwork to three spans is clearly unacceptable in the long term. However, as the protection of this built resource is important, short-term measures securing that long-term future should be approved. Consents temporary in respect of the supporting steelwork can be consistent with the intentions of the Structure Plan.

5.3 Policy ENV 1 of the EALP seeks to protect and preserve heritage resources including listed buildings. Policy ENV 4 requires development affecting listed buildings to be sympathetic to the building concerned.

It is considered that the grant of consents temporary in respect of the supporting steelwork can be consistent with the aims of both policies.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of these applications are the consultation responses, the objections and relevant planning history of the site.

Consultation Responses

6.2 There are no consultation responses that would suggest refusal of the application would be appropriate. A number of conditions would appropriately address issues of concern, chiefly the temporary nature of the inelegant supporting steelwork and the introduction to the structure of bat boxes.

Planning History

6.3 The applications before Committee arose from enforcement activity by the Division, having been made aware that unauthorised works were underway. A listed building application for remedial works to that part of the viaduct in South Ayrshire received consent in May 2003. That section of the works, however, did not include any structural supports to the arches.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of these applications. However, should the applications be refused, consideration would then require to be given to formal enforcement action. This would, though, be in the context of it being a defence against any offence in these circumstances to prove that the works were urgently required and were the minimum necessary in the interests of safety or health or for the preservation of the building.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, it is considered that the proposals in general are compliant with the development plan and that with particular regard to the steelwork supporting arches 13, 14 and 15, it can be justified as a temporary measure, notwithstanding its appearance. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 a recommendation of approval subject to a time limiting condition relative to the steelworks would be consistent with policy.

8.2 There are material considerations but these are not considered in themselves to merit refusal of the proposals; rather they should inform the application of relevant conditions in respect of matters such as bat boxes and the after treatment of the immediate site area.

8.3 The applicants acknowledge that upon removal of the supporting steelworks to arches 13, 14 and 15 the stability of the structure cannot be absolutely guaranteed and may again become problematic. A temporary consent of 12 months in respect of the steelworks would allow for this situation to be identified and for a more appropriate long term solution, if necessary, to be explored.

9. RECOMMENDATION

9.1 It is recommended that the planning application be approved subject to the conditions on the attached sheet and that the listed building application also be approved, subject to the notification of Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997 and subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control, the applications would not require to be referred to the Development Services Committee as they would not represent a significant breach of policy.

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

16 April 2004
DVM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory notices and certificates
3. Consultation responses
4. Representations
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan

Any person wishing to inspect the background papers listed above, should contact Mr. Hugh Melvin on 01563 555481

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0575/LB

Location	Burnton Road Viaduct DALRYMPLE
Nature of Proposal:	Proposed arch and spandrel wall structure remedial work
Name and Address of Applicant:	Network Rail Buchanan House 58 Port Dundas Road GLASGOW G4 0LA
Name and Address of Agent	

DPO's Ref:
PPO's Ref: Hugh Melvin

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

1. Only in respect of the supporting steelwork structures beneath arches 13, 14 and 15, the permission hereby granted shall apply for a limited period of 12 months from the date hereof and the steelwork shall be removed at the expiration of this period unless a further consent is granted.

REASON : These elements of the proposals hereby approved are of a temporary nature and their permanent approval would be to the detriment of the appearance and character of the listed building.

2. The structure shall be surveyed by an appropriately qualified person to determine whether the viaduct has been utilised as a bat roost. A copy of such person's written report shall be submitted to the Planning Authority for approval within three months of the date of this consent. In the event that the report indicates the past presence of bats active on the structure, details of bat boxes to be erected on the listed structure, shall be submitted to the Planning Authority within three months of the report being approved by the Planning Authority. These boxes shall be erected on the structure as approved within three months of the date of approval of such details being granted by the Planning Authority.

REASON : To secure a continuing presence of this protected species.

Note to Applicants

1. The works shall be carried out in accordance with PPG5 "Works in, near or liable to affect watercourses", published by SEPA.

Application No: 02/0576/FL

Location	Burnton Road Viaduct DALRYMPLE
Nature of Proposal:	Proposed remedial works to railway viaduct
Name and Address of Applicant:	Network rail Buchanan House 58 port Dundas Road GLASGOW G4 0LA
Name and Address of Agent	

DPO's Ref:
PPO's Ref:

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

1. Only in respect of the supporting steelwork structures beneath arches 13, 14 and 15, the permission hereby granted shall apply for a limited period of 12 months from the date hereof and the steelwork shall be removed at the expiration of this period unless a further consent is granted.

REASON : These elements of the proposals hereby approved are of a temporary nature and their permanent approval would be to the detriment of the appearance and character of the listed building.

2. The structure shall be surveyed by an appropriately qualified person to determine whether the viaduct has been utilised as a bat roost. A copy of such person's written report shall be submitted to the Planning Authority for approval within three months of the date of this consent. In the event that the report indicates the past presence of bats active on the structure, details of bat boxes to be erected on the listed structure, shall be submitted to the Planning Authority within three months of the report being approved by the Planning Authority. These boxes shall be erected on the structure as approved within three months of the date of approval of such details being granted by the Planning Authority.

REASON : To secure a continuing presence of this protected species.

3. Within three months of the date of this consent, landscaping details shall be submitted to for approval by the Planning Authority of the measures to be taken to restore the ground below and adjacent to the viaduct that has been utilised during the repair and strengthening works hereby approved. These measures shall be implemented as approved within 12 months of approval being granted.

REASON : In the interests of visual amenity and preserving the setting of the listed building.

4. The means of vehicular access to the site and to the ground utilised in association with the works hereby approved shall at all times be to the requirements of the Council's Roads and Transportation Division.

REASON : In the interests of road safety.

Note to Applicants

1. The works shall be carried out in accordance with PPG5 “Works in, near or liable to affect watercourses”, published by SEPA.

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