

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005

**04/1248/FL: PROPOSED POLYCARBONATE CLAD GROWING DOMES AND
STORAGE CONTAINERS WITHIN A 2M HIGH PERIMETER RAILING AT
22-28 AIRD AVENUE, AUCHINLECK**

APPLICATION BY AUCHINLECK COMMUNITY DEVELOPMENT INITIATIVE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to prepare the site for landscaping and form five flower beds within it. Two greenhouse growing domes are also proposed with three shipping containers and six composting bins. Wheelchair access and a separate vehicle access are also proposed. It is proposed to erect 2 metre high galvanised railings as a boundary around the site. A 2-metre high vertical palisade timber fence is proposed to form the boundary with the property at No. 84 Glenshamrock Drive.

1.2 The purpose of the proposed development is to provide a garden which will bring the site back into a productive use. The flowers to be grown will then be used in hanging baskets to be displayed along the Main Street of Auchinleck as part of a wider project to visually enhance the whole area. It is anticipated that the proposed project will also provide an opportunity for employment for a co-ordinator of the project.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application; however it is considered that these are not sufficient to indicate the application should be refused.

3.2 Full planning permission is being sought for the formation of a community garden in a predominantly residential area of the settlement of Auchinleck. The site is a brownfield site which is presently an area of unmaintained open space fronting onto Aird Avenue. There are no significant features within the site and in its current state it is of little amenity to the community.

3.3 The purpose of the garden is to enable members of the local community to take part in growing plants and flowers within the growing domes and also on the flower beds to be formed. It will also contribute to providing flowers for the hanging baskets used along the Main Street in the town through the summer months. It is proposed to install three shipping containers which will provide storage for the horticultural and landscaping tools and equipment and materials. One of the containers will also provide a disabled toilet facility with wash hand basin. The containers will be clad in timber to match the timber being used to support the sides of the raised flower beds.

3.4 It is proposed to form a boundary around the garden with the erection of a 2m high galvanised railing fence. Security is inevitably an issue and it is intended that this fence will deter any potential vandalism. The letter of objection received did raise a legitimate concern regarding vandalism which is prevalent in the vicinity. However, the proposed garden is a reuse of an existing area of open space which is of no value to local residents in its current state. It is therefore not considered that the proposed development will exacerbate the existing level of vandalism and indeed it is reasonable that it may reduce it with increased levels of activity in and around the site.

3.5 The planning application is one which implements the desire of the Council to bring back vacant sites into use and which is an opportunity to improve and enhance the natural and built environment. The proposal does not raise any residential or visual amenity issues and is considered to be in compliance with the development plan. The recommendation is therefore one of approval.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 because it would not represent a significant departure from the development plan.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005

04/1248/FL: PROPOSED POLYCARBONATE CLAD GROWING DOMES AND STORAGE CONTAINERS WITHIN A 2M HIGH PERIMETER RAILING AT 22-28 AIRD AVENUE, AUCHINLECK

APPLICATION BY AUCHINLECK COMMUNITY DEVELOPMENT INITIATIVE

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is the subject of a letter of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a brownfield site set within a residential area of the settlement of Auchinleck. Covering a total area of 911m² the site fronts onto Aird Avenue and extends to the rear of No.80 Glenshamrock Drive. A hardcore path runs along the perimeter of the site at present and there is vehicular access to the rear.

2.2 The site is surrounded by two storey local authority housing on all sides. The houses on Glenshamrock Drive back onto the site and No.42 Aird Avenue is situated across the vehicular access so that it is gable end onto the site with an electricity sub station to its rear. The site is brownfield and previously accommodated local authority housing which became offices of the former Strathclyde Regional Council's Social Work department.

2.3 **Proposed Development:** It is proposed to prepare the site for landscaping and form five flower beds within it. Two greenhouse growing domes are also proposed with three shipping containers and six composting bins. Wheelchair access and a separate vehicle access are also proposed. It is proposed to erect 2 metre high galvanised railings as a boundary around the site. A 2-metre high vertical palisade timber fence is proposed to form the boundary with the property at No. 84 Glenshamrock Drive.

2.4 The purpose of the proposed development is to provide a garden which will bring the site back into a productive use. The flowers to be grown will then be used in hanging baskets to be displayed along the Main Street of Auchinleck as part of a wider project to visually enhance the whole area. It is anticipated that the proposed project will also provide an opportunity for employment for a co-ordinator of the project.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to the following road safety requirements:

- (i) the fence must be erected to the rear of the existing public footways and must not interfere with existing apparatus;
- (ii) the fence must be erected outwith the junction visibility splays of 2.5m by 35m;
- (iii) the vehicle access will require to be paved for a minimum distance of 2 metres from the rear of the footway;
- (iv) the gates will require to open inwards away from the public road;
- (v) access to the site must be taken via standard driveway access crossing to East Ayrshire Roads standards;
- (vi) the vehicle access gate should be set back 2 metres from the rear of the footway and visibility splays of 2.0m by 25m should be formed.

The applicant has submitted a revised site plan to demonstrate that the above road safety requirements can be achieved and it is therefore acceptable to impose the above as conditions on the consent if the Committee is minded to approve the application.

3.2 East Ayrshire Council's Outdoor Services Section has no objections to the proposed development. The Section has requested that any land, held in Neighbourhood Services account, damaged by the proposed development be reinstated to its satisfaction.

Noted.

3.3 Power Systems has no objections to the proposed development.

Noted.

3.4 Transco has no objection to the proposed development and requested that its information plan identifying the position of any of their equipment is passed onto the developer on site.

This information has been forwarded onto the developer.

3.5 Auchinleck Community Council has no objection to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 The planning application has attracted one letter of third party representation and the points of objection can be summarised as follows:

4.2 We feel that this will bring more vandalism to us as we already suffer from this problem with greenhouses being smashed, fences, car aerials being broken. We feel this site will increase the level of vandalism and underage drinking we already suffer from.

It is recognised that there may be a problem of vandalism within the vicinity of the site. However, it is not considered that the proposed development will exacerbate this problem. Indeed by improving the amenity of the site it is hoped that it will deter people from causing further degradation of the site. Any vandalism caused to residential properties is a policing issue and is therefore not a material planning consideration in the determination of this planning application.

4.3 We do want the site tidied up the same as other parts of the town where houses have been knocked down. We feel this garden, being sited here, would not benefit us or the community.

Given the current condition of the site and the proposed beneficial use associated with the development, the proposed use of the site is considered to be appropriate. This objection is therefore not considered to be of sufficient weight to indicate that the application should be refused.

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 Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained within the Structure Plan which are especially relevant to the proposed development.

East Ayrshire Local Plan

5.3 Policy CS1 of the Local Plan states that the Council will, subject to the necessary finance being available, respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible existing facilities will be retained and improved and support and encouragement given to all other community facility and public service organisations to maintain and improve the services they provide.

It is considered that this community project is fully in accordance with the provisions of Policy CS1 in terms of being both an educational and recreational asset for the local community.

5.4 Policy ENV6 provides for the Council to actively encourage and support the improvement and enhancement of the natural and built environment in accordance with the Local Plan Environment Development strategy.

It is considered that the proposed community garden with its unusual design features and imaginative use of an underused area of open space fulfils the terms of Policy ENV6 in respect of improving the local environment.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate the application should be refused.

Representations

6.3 It is considered that the objection raised is primarily based upon the writer not wishing to see this use in such close proximity to his own property and would therefore not be of sufficient weight to indicate the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Although the site is in the ownership of the Council, it is not anticipated that the proposed development will result in any significant financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application; however it is considered that these are not sufficient to indicate the application should be refused.

8.2 Full planning permission is being sought for the formation of a community garden in a predominantly residential area of the settlement of Auchinleck. The site is a brownfield site which is presently an area of unmaintained open space fronting onto Aird Avenue. There are no significant features within the site and in its current state it is of little amenity to the community.

8.3 The purpose of the garden is to enable members of the local community to take part in growing plants and flowers within the growing domes and also on the flower beds to be formed. It will also contribute to providing flowers for the hanging baskets used along the Main Street in the town through the summer months. It is proposed to install three shipping containers which will provide storage for the horticultural and landscaping tools and equipment and materials. One of the containers will also provide a disabled toilet facility with wash hand basin. The containers will be clad in timber to match the timber being used to support the sides of the raised flower beds.

8.4 It is proposed to form a boundary around the garden with the erection of a 2m high galvanised railing fence. Security is inevitably an issue and it is intended that this fence will deter any potential vandalism. The letter of objection received did raise a legitimate concern regarding vandalism which is prevalent in the vicinity. However, the proposed garden is a reuse of an existing area of open space which is of no value to local residents in its current state. It is therefore not considered that the proposed development will exacerbate the existing level of vandalism and indeed it is reasonable that it may reduce it with increased levels of activity in and around the site.

8.5 The planning application is one which implements the desire of the Council to bring back vacant sites into use and which is an opportunity to improve and enhance the natural and built environment. The proposal does not

raise any residential or visual amenity issues and is considered to be in compliance with the development plan. The recommendation is therefore one of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

11 February 2005
NM/NM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/1248/FL

Location	22-28 Aird Avenue AUCHINLECK KA18 2LS
Nature of Proposal:	Proposed polycarbonate clad growing domes and storage containers within a 2m high perimeter railing
Name and Address of Applicant:	Auchinleck Community Development Initiative Well Road AUCHINLECK KA18 2LA
Name and Address of Agent	

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

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

1. The proposed development shall be carried out in accordance with the application form received on 15 December 2004 and location plans and elevation plans received on 15 December 2004 and the amended site plan as received by the Planning Authority on 25 January 2005.

REASON – To ensure that development is carried out in accordance with the approved details.

2. The shipping containers as illustrated on the plans hereby approved are approved for a temporary period of five years only and shall thereafter be removed from the site and the site reinstated to a neat and tidy condition to the satisfaction of the Planning Authority unless a further permission is granted.

REASON – The structures are of a temporary nature only.

3. The shipping containers hereby approved, and the cladding where provided, shall be painted in a suitable dark colour to be agreed in writing with the Planning Authority prior to the commencement of development and shall thereafter be maintained in a neat and tidy condition to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

4. Prior to the commencement of development an elevational detail of the galvanised railings shall be submitted for the further written approval of the Planning Authority.

REASON – In the interests of visual amenity.

5. The galvanised railings shall be painted in a suitable dark colour which shall receive the further written approval of the Planning Authority prior to the commencement of development.

REASON – In the interests of visual amenity.

6. The 2 metre high vertical palisade fence shall be creosoted or stained in a suitable dark timber preservative and shall be maintained in a neat and tidy condition to the satisfaction of the Planning Authority.

REASON – In the interests of visual amenity.

7. The fence to be erected shall be to the rear of the existing public footways and shall be located outwith the junction visibility splays of 2.5m by 35m to the satisfaction of the Planning Authority in consultation with the Council's Roads and Transportation Division.

REASON – In the interests of road safety.

8. Prior to the commencement of use the vehicle access will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road.

REASON – To ensure a secure road surface in the interests of road safety.

9. The access gates shall open inwards away from the public road.

REASON – To avoid obstruction on the public highway in the interests of pedestrian and road safety.

10. Access to the site shall be taken via standard driveway access crossing to East Ayrshire Roads standards.

REASON – In the interests of road safety.

11. Prior to the commencement of development visibility splays of 2.0 metres by 25 metres shall be formed at the junction with the public road and shall be kept free from any obstruction greater than one metre in height and thereafter maintained to the satisfaction of the Planning Authority.

REASON – In the interests of road safety.

12. The vehicle access gate shall be set back 2.0m from the rear of the footway.

REASON – In the interests of road safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**