

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 24 MARCH 2006

**05/1191/FL: ERECTION OF GATE, ENCLOSED BIN STORE AND
RECYCLING AREA AT 72 – 74 MILL OF SHIELD ROAD, DRONGAN**

APPLICATION BY MR MITCHELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought retrospectively for the erection of a timber fence, access gates and the installation of an enclosed bin store and recycling unit. The timber fence fronting onto Mill of Shield Road extends to 2.4 metres in height and is finished in a brown wood stain colour. The location for the bin store and recycling area is directly to the north western side of the application site which has access either through the wooden gates or via the shop premises. The recycling unit will be for cardboard recycling and consists of a steel container finished in a blue colour. The bin store area has an external area of 12 metres² and is constructed from brick with a mono-pitch roof and incorporating a small window and door. The structure is finished in a cream/white paint to match the existing building.

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, there are no specific policies relating to this type of development in the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be given to the material considerations in respect of the proposed development. As is indicated in Section 6 of the report there are material considerations relevant to this application.

3.2 Full planning permission is sought retrospectively for the establishment of an enclosed bin store and recycling unit with the erection of wooden access gates in conjunction with the shop premises of 72-74 Mill of Shield Road. The bin

store and recycling unit are located to the rear of the shop and hidden from view to the front by a 2.4 metre vertical slatted fence/gate.

3.3 The recycling unit consists of a blue container positioned against the newly constructed bin store. As this is not a permanent structure it is considered that if the committee are minded to approve this application a limited consent condition should be attached which would require the container to be removed from the site and the ground restored to its original condition or the submission of a further planning application after a suitable period of time. One letter of representation has been made however in this regard it is considered that the representation received is not of sufficient weight to merit refusal of the application.

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 would not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local 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: 24 MARCH 2006

05/1191/FL: ERECTION OF GATE, ENCLOSED BIN STORE AND
RECYCLING AREA AT 72 – 74 MILL OF SHIELD ROAD, DRONGAN

APPLICATION BY MR MITCHELL

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 application which is to be considered by the Local Planning Committee under the scheme of delegation, as the proposed development is the subject of objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is positioned in the middle of a row of shop units located within a central position in the settlement of Drongan. The land to the south side of Mill of Shield Road, opposite the application site, consists of a large area of playing fields gently falling to the Taiglium Burn and Drongan Primary School. The ground to the east of the row of shops forms a small car parking area with land to the west consisting of steps leading to the area of ground to the rear of the shop units and providing access to Drumwhill Road. The land to the rear of the application site rises in height to the rear garden area of the properties along Hannahston Avenue with vehicular access available along Drumwhill Road.

2.2 **Proposed Development:** Full planning permission is sought retrospectively for the erection of a timber fence, access gates and the installation of an enclosed bin store and recycling unit. The timber fence fronting onto Mill of Shield Road extends to 2.4 metres in height and is finished in a brown wood stain colour. The location for the bin store and recycling area is directly to the north western side of the application site which has access either through the wooden gates or via the shop premises. The recycling unit will be for cardboard recycling and consists of a steel container finished in a blue colour. The bin store area has an external area of 12 metres² and is constructed from brick with a mono-pitch roof and incorporating a small window and door. The structure is finished in a cream/white paint to match the existing building.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan, Rankinston and Stair Community Council has not responded to the consultation letter at the time of writing this report.

Noted.

3.2 East Ayrshire Council Environmental Health Division has no objections to the proposal in principle and wish to offer the following comments:

- (i) Any waste arising from the works during construction and operation should be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.
- (ii) Noisy work on site during construction and operation should be restricted to 8am to 6pm Monday to Friday, 8pm to 1pm on a Saturday and no noisy work on a Sunday.
- (iii) Noise from the works should be at such a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.

Noted.

3.3 Power Systems has no adverse comments to make on this application.

Noted.

3.4 Scottish Water has no objections in principle to the proposed development however advise that contact should be made with Scottish Water Operations, Technical Support Team to ensure the protection of any apparatus.

A note can be attached to any consent granted for the development to advise the applicant to make early contact with Scottish Water.

4. REPRESENTATIONS

4.1 One letter of representation has been received with regard to the proposed development. The main points of objection are summarised below.

4.2 We have had a lot of youngsters climbing on top of the roof of the shops recently since Mr Mitchell has put up the bin store so we don't want one of the youngsters having an accident.

Due to the ground level of the land to the rear of the shop units any additional structure would be of a height lower to that of the shops. However it is not considered that the proposal makes it materially

easier to access the shop roofs and such access would be a matter for the police to address.

4.3 Also it is not a good idea as the fire engine wouldn't manage to get in if the shops went on fire.

This proposal does limit vehicular access to the rear of the shops via the small lane between the application site and the adjacent property. However emergency access is still available at either end of the row of shops and via Drumwhill Road.

4.4 We have also just had a baby which is just weeks old so we don't want any vermin – mice or rats due to the recycle area or bin store.

Environmental Health has provided detailed comments as per section 3.2 of this report and has raised no issues with respect to vermin as a result of the proposal.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policies contained in the structure plan which are especially relevant to the development.

Noted.

East Ayrshire Local Plan

5.3 There are no policies contained in the local plan which are especially relevant to the development.

Noted.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The consultation responses received would indicate that the application should be approved.

Representations

6.3 A variety of issues have been raised within the one letter of representation covering issues of safety for youngsters who may use the bin store as a means of accessing the shop roofs, reduced access for emergency vehicles and the increased possibility of vermin. These representations are addressed in Section 4 of the report.

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 indicated in Section 5 of the report, there are no specific policies relating to this type of development in the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be given to the material considerations in respect of the proposed development. As is indicated in Section 6 of the report there are material considerations relevant to this application.

8.2 Full planning permission is sought retrospectively for the establishment of an enclosed bin store and recycling unit with the erection of wooden access gates in conjunction with the shop premises of 72-74 Mill of Shield Road. The bin store and recycling unit are located to the rear of the shop and hidden from view to the front by a 2.4 metre vertical slatted fence/gate.

8.3 The recycling unit consists of a blue container positioned against the newly constructed bin store. As this is not a permanent structure it is considered that if the committee are minded to approve this application a limited consent condition should be attached which would require the container to be removed from the site and the ground restored to its original condition or the submission of a further planning application after a suitable period of time. One letter of representation has been made however in this regard it is considered that the representation received is not of sufficient weight to merit refusal of the application.

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 would not require to be referred to the Development Services Committee as it would not be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

9 March 2006
RG/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above background papers should contact Mr Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1191/FL

Location	72 -74 Mill O Shield Road, DRONGAN
Nature of Proposal:	Erection of gate, enclosed bin store and recycling area
Name and Address of Applicant:	Mr Mitchell Hannahston Farm, DRONGAN
Name and Address of Agent	ARPRO Architectural 49E Kyle Street AYR

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

The above FULL application should be approved.

1. Permission for the siting of the recycling container to the rear of the property is granted for a limited period of three years from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON: To enable the Planning Authority to review the situation in the interests of residential and visual amenity.

NOTE TO APPLICANT

1. The developer should make early contact with Scottish Water Operations Technical Support Team on 0845 601 8855

**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.**