

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 27 APRIL 2001

**01/0135FL : PROPOSED LEVELLING OF FORMER TIP FOR USE AS
HARDSTANDING AND BUILDER'S YARD AT GILMILNSCROFT
COTTAGES, SORN ROAD, AUCHINLECK
FOR AYRSHIRE CONSTRUCTION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to legitimise the use of that part of the site as a builder's yard which does not already enjoy the benefit of planning permission. The applicant also proposes to extend the hardstanding to cover the entire site for use as a builder's yard. The formation of the hardstanding would involve the infilling of the north-eastern part of the site, such that the gradient and profile of the land, as it slopes from the site's entrance at the south-western corner of the site, would be continued to its northern and north-eastern boundaries. The applicant proposes to use inert demolition spoil as infill material and the depth of infill would average approximately 3 metres. The subsequent use of the site would involve the storage of inert salvageable construction materials (the products of demolition) for use elsewhere. The applicant proposes to provide a belt of trees along the site's northern boundary.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 in the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.4 in the report, there are material considerations relevant to the determination of this application.

3.2 Given the age of the Adopted Catrine-Sorn-Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine-Sorn Local

Plan, it is nevertheless in accordance with the policy provisions of the East Ayrshire Local Plan, (Finalised Version with Modifications).

3.3 The objections detailed in Section 4 in the report can either be addressed by the inclusion of appropriate conditions on the planning permission should the application be approved, are not considered to be material planning considerations or are not considered to have sufficient weight to justify a refusal of the application.

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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01/0135FL : PROPOSED LEVELLING OF FORMER TIP FOR USE AS HARDSTANDING AND BUILDER'S YARD AT GILMILNSCROFT COTTAGES, SORN ROAD, AUCHINLECK FOR AYRSHIRE CONSTRUCTION

Report by Head of Planning and Building Control

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies in proximity to a group of existing cottages at Gilmilnscroft, approximately two miles north-east of Auchinleck. The site comprises a former municipal refuse tip, is considered to be a brownfield site and measures 2.4 hectares in area. Part of the application site is presently in use as a builder's yard without the benefit of planning permission. An adjoining site, adjacent to the existing cottages has been formed as hardstanding and is also in use as a builder's yard. That site does enjoy the benefit of planning permission. With the exception of the northern boundary, and at the site's entrance in the south-west, the site is screened from view by forestry planting.

2.2 In general terms, the site slopes upwards gently from the entrance at the south-west towards the centre. From the centre, the land falls gently away to the site's northern and north-eastern boundaries. The site is accessed via an existing access from the existing builder's yard.

2.3 **Proposed Development:** Full planning permission is sought to legitimise the use of that part of the site as a builder's yard which does not already enjoy the benefit of planning permission. The applicant also proposes to extend the hardstanding to cover the entire site for use as a builder's yard. The formation of the hardstanding would involve the infilling of the north-eastern part of the site, such that the gradient and profile of the land, as it slopes from the site's entrance at the south-western corner of the site, would be continued to its northern and north-eastern boundaries. The applicant proposes to use inert demolition spoil as infill material and the depth of infill would average approximately 3 metres. The subsequent use of the site would involve the storage of inert salvageable construction materials (the products of

demolition) for use elsewhere. The applicant proposes to provide a belt of trees along the site's northern boundary.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal as the proposed access to the site is existing and is presently used by heavy goods vehicles.

Noted.

3.2 East Ayrshire Council's Environmental Health Section has stated that it has no objection in principle to the proposals. It does however state that consideration should be given to:-

- the number of vehicles and machinery entering and leaving the site

Should the application be approved, appropriate conditions can be included on any planning permission granted to limit the hours of operation on the site and to limit the number of vehicles entering and leaving the site. With regard to the latter, the applicant has advised in writing that, on average, the present use generates around ten movements of heavy goods vehicles per day on the access road adjacent to the existing cottages. He also states that he does not expect this number to increase should this application be approved. It is therefore considered that the condition could be worded so that the maximum number of heavy goods vehicles movements generated by the sites does not exceed 16 per day. This would allow the applicant a degree of flexibility whilst limiting any detrimental impact on residential amenity.

- possible contamination of adjacent water courses due to the importation of active or controlled waste onto the site.

Should the application be approved, a condition requiring that inert material only is used for the infilling and subsequently stored on the site, can be included on the planning permission.

3.3 West of Scotland Water Authority, Scottish Power and British Gas Transco have no objection to the application.

Noted.

3.4 The Scottish Environment Protection Agency has no objection to the proposal provided any development is compatible with any obligations the Council may have under the Environmental Protection Act 1990 as the land may be regarded as contaminated. The Agency also states that any

controlled water material used for the infilling shall require either a Waste Management Licence or a formal Waste Management Licence Exemption.

As is noted above, the Council's Environmental Health Section has no objection to the proposal. With regard to the latter point, the applicant proposes to use inert material only for the infilling and for subsequent storage on the site. Nevertheless, should the application be approved, a condition requiring that inert materials only are used for the infilling and subsequently stored on the site, can be included on the planning permission.

3.5 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from workings in 6 seams of coal last worked in 1916. The Authority adds that reserves of coal exist in the locality which may be worked at some time in the future and that within 20 metres of the site there is a mine entry.

Should the application be approved, a note in respect of the above can be attached to the planning permission.

3.6 The Forestry Commission has stated that the proposed tree belt should be at least 15 metres wide. It states that the existing broadleaved species should be retained and interplanted with fast growing conifers so that the strip blends with the adjacent conifer plantation.

Should the application be approved, a condition in respect of the above can be included on the planning permission.

4. REPRESENTATIONS

Two letters of objection have been received from the occupiers of the adjacent properties. The terms of objection can be summarised as follows:-

4.1 The site is not an industrial area.

The majority of the site was previously in use as a municipal refuse tip and prior to that, a colliery. An established business (that of the applicant) which enjoys the benefit of planning permission, is also located on part of the site. It is therefore considered that the principle of this form of development has been established on much of the site.

4.2 The access road belongs to one of the objectors who has no wish for it to be altered. Neither do the objectors wish to see an increase in traffic on the road.

The ownership of the access road and rights of access are not planning considerations. The applicant has stated in writing that

he has no intention to alter the access road. Furthermore, the applicant has indicated that the material for the infilling of the site would be transported to the site by his own vehicles and that the infilling would take around 12 years to complete. As a result, it is not considered that the proposal would result in a significant increase in traffic on the access road to an extent that would justify a refusal of the application. Furthermore, appropriate conditions can be included on the planning permission, should the application be granted, which would control the hours of operation on the site.

4.3 Concern over the type of materials which would be tipped on the site.

The applicant has stated that only inert materials (demolition spoil) would be tipped on the site. Should the application be approved a condition limiting the materials to be tipped to inert material only can be included on the planning permission.

4.4 Concern over the possible leaching of toxic material onto adjacent properties and watercourses.

See response to 4.3 above.

4.5 The site would be highly visible and no screening is proposed at the south of the site when viewed from Gilmilnscroft.

As noted above, the applicant proposes to provide a belt of tree planting on the northern boundary of the site. However, there is no provision for the southern part of the site, around the entrance. Nevertheless, a condition can be included on the planning permission requiring the provision of a further area of planting to effectively screen the site from public view.

4.6 The use of the site adjacent to Gilmilnscroft Cottages as a builder's yard at present results in disturbance to the occupiers of adjacent properties.

The site adjacent to Gilmilnscroft Cottages has at present, planning permission for its use as a builder's yard. However, that part of the site does not form part of this application and as such, this objection cannot be considered.

4.7 A curfew on the times and volume of vehicles using the site should be in place.

See response to 4.2 above.

4.8 A 200-metre visibility splay would be required.

This has not been substantiated by the Council's Roads and Transportation Division.

4.9 An aerial archaeological survey should be undertaken.

This is not considered to be reasonable or necessary given that the former use of the site was as a municipal refuse tip.

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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted Catrine-Sorn-Local Plan 1984. The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site forms part of a larger site identified for forestry.

It is considered that the proposal conflicts with the site's designation in the Catrine-Sorn Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) and the objections detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration.

6.3 The site lies within the Rural Diversification Area as defined in the EALP and as such, the application requires to be determined with regard to Policy SD4(ii) which states:

Within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council where the development provides for sensitive industrial, business, recreational or tourism development with a site specific locational need.

As noted above, the site comprises brownfield land and is screened by an existing forestry plantation. The proposal will not result in the loss of prime agricultural land and would have no impact on any natural or built heritage resources. It is therefore considered that for those reasons and for the reasons detailed in

Section 4 above, the proposal would have no adverse impact on the surrounding environment and surrounding land uses. Furthermore, the proposal will provide additional hardstanding space in connection with the existing business operating from the adjacent premises. It is therefore considered that the proposal meets the criteria of a site specific locational need and that the proposal is therefore in accordance with Policy SD4.

6.4 Policy IND10 of the EALP is also of relevance. Policy IND10 (v) states that:-

Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (v) *Sensitive industrial and business developments in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources*

See response to 6.3 above. It is therefore considered that the proposal is in accordance with Policy IND10 of the EALP.

6.5 The site adjacent to the application site was the subject of a previous application for planning permission. CD/89/271 : Change of use of derelict land/pigsty to form a builder's compound, was granted with conditions on 7 September 1989.

Noted.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications may arise if the application is refused as enforcement action may be taken in respect of that part of the site currently in use as a builder's yard which does not enjoy the benefit of planning permission.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.4 above, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine-Sorn-Local Plan, the Council has agreed that the East Ayrshire Local Plan, (Finalised Version with Modifications) should be considered as a prime material consideration. Whilst the proposal is contrary to the provisions of the Adopted Catrine-Sorn Local Plan, it is nevertheless in accordance with the policy provisions of the East Ayrshire Local Plan, (Finalised Version with Modifications).

8.3 The objections detailed in Section 4 above can either be addressed by the inclusion of appropriate conditions on the planning permission should the application be approved, are not considered to be material planning considerations or are not considered to have sufficient weight to justify a refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheets.

Alan Neish
Head of Planning and Building Control
06 April 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Letters of objection.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Adopted Catrine-Sorn Local Plan.
7. Planning application CD/89/271

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0135/FL

Location	Gilmilnscroft Cottages, Sorn Road AUCHINLECK KA18 2NA
Nature of Proposal:	Proposed levelling of former tip for use as hardstanding area/building yard
Name and Address of Applicant:	Ayrshire Construction Gilmilnscroft Cottages, Sorn Road AUCHINLECK KA18 2NA
Name and Address of Agent	

DPO's Ref: [DEREK SCOTT]
PPO's Ref; []

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

1. Notwithstanding any specification on the approved plans or application form, details of 15-metre wide tree belts, to be provided in the locations indicated in green on the Approved Plan reference no. G.L.S. GILN/O1 and their subsequent maintenance shall be submitted to and approved by the Planning Authority before any infilling commences on the site. The planting shall be carried out not later than the first available planting season after the infilling is commenced and shall be maintained in accordance with the approved maintenance regime at all times thereafter.

REASON – In the interests of visual amenity.

2. Notwithstanding the provisions of Condition 1 above, the existing broadleaved trees on the site of the proposed tree belt to be provided on the site's northern boundary shall be retained and interplanted with fast growing conifers.

REASON – In the interests of visual amenity.

3. The material to be used in the infilling of the site and subsequently to be stored on the site, shall consist of inert or inactive material only.

REASON – In the interests of environmental amenity.

4. Notwithstanding the provisions of Condition 3 above, any fuel or oil stored within the site shall be kept within a bund which shall have a capacity not less than 110% of the total volume contained within.

REASON – In the interests of environmental amenity.

5. No vehicles involved in the infilling of the site, shall enter or leave the site outwith the hours of 0800 to 1800 Monday to Friday and at any time on a Saturday or Sunday.

REASON – In the interests of residential amenity.

6. During the infilling of the site and the subsequent use of the site as a builder's storage yard, the number of movements of heavy goods vehicles on the access road adjacent to the existing dwellings and generated by the approved use, shall not exceed 16 per day.

REASON – In the interests of residential amenity.

NOTES

1. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr KA7 2AA, with regard to the possible need for a Waste Management Licence.
2. The applicant is advised to make early contact with the Coal Authority, 200 Lichfield Lane, Berry Hill, Mansfield, NG18 4RG with regard to past mining operations on the site.
3. All drainage shall be to the complete satisfaction of the Scottish Environment Protection Agency.

**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.**

AGENDA