

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 23 MAY 2003

**02/0944/FL: PROPOSED CONSTRUCTION OF ADDITIONAL TREATMENT
PROCESS TO UPGRADE EXISTING WORKS TO MEET NEW
LEGISLATIVE REQUIREMENTS – SINGLE STOREY BUILDING AND
ADDITIONAL EXTERNAL STEEL TANKS AT AFTON WATER
TREATMENT WORKS, AFTON ROAD, NEW CUMNOCK**

APPLICATION BY SCOTTISH WATER

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single storey pitched roof building measuring 25 metres long by 18.5 metres wide. The height of the building at the roof apex is proposed to be 8.0 metres above the surrounding ground level. It is proposed that the building will accommodate new water treatment equipment to enable the treatment works to meet new legislative requirements. The proposed building will be clad in coated sheeting. It is also proposed to erect a washwater recovery tank and a sludge buffer tank adjacent to the existing tanks towards the south of the site, alter the internal access layout and create 8 car parking spaces.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to this application.

3.2 These considerations have been assessed and are not considered to be such as to merit refusal of the application. The proposed development will provide an upgraded water treatment works to serve the surrounding area

without having an unacceptable adverse impact on the amenity of residents and the environmental quality of the area.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant departure from Council 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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02/0944/FL: PROPOSED CONSTRUCTION OF ADDITIONAL TREATMENT PROCESS TO UPGRADE EXISTING WORKS TO MEET NEW LEGISLATIVE REQUIREMENTS – SINGLE STOREY BUILDING AND ADDITIONAL EXTERNAL STEEL TANKS AT AFTON WATER TREATMENT WORKS, AFTON ROAD, NEW CUMNOCK

APPLICATION BY SCOTTISH WATER

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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 7 kilometres south of New Cumnock on the western side of the C90 Afton Road, immediately adjacent to the existing water treatment works. The site is currently occupied by an area of car parking ancillary to the main water treatment works.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey pitched roof building measuring 25 metres long by 18.5 metres wide. The height of the building at the roof apex is proposed to be 8.0 metres above the surrounding ground level. It is proposed that the building will accommodate new water treatment equipment to enable the treatment works to meet new legislative requirements. The proposed building will be clad in coated sheeting. It is also proposed to erect a washwater recovery tank and a sludge buffer tank adjacent to the existing tanks towards the south of the site, alter the internal access layout and create 8 car parking spaces.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency has no objections to the proposed development provided the operation of the treatment works does not result in breaches of previous consents 325 – 328 / 94.

Noted. The consents referred to relate to matters that fall within the statutory remit of SEPA and not the Planning Authority.

3.2 The Scottish Wildlife Trust has not objected to the proposed development which is located within an area associated with a Provisional Wildlife Site.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division has stated that they have no objections in principle to the proposal following the completion of the initial construction phase. However, the Division has stated that the effect of construction traffic on the single track public road gives rise for concern. The Division has suggested that these concerns would be overcome by the provision of a vehicle management system during the construction phase. Additionally, it has been suggested that a prior inspection of the minor public road serving the site is undertaken with a representative from the Roads and Transportation Division to enable assessment of the road condition prior to, and following, the construction phase.

Noted. Appropriate conditions can be imposed in any permission granted for the proposed development to ensure: (i) that an appropriate vehicle management system has been agreed with the Council prior to construction works commencing to avoid the possibility of two vehicles meeting on this narrow road during construction works; and (ii) that an inspection is undertaken of the public road prior to, and following, the construction phase to identify any repairs required as a result of usage of the road by construction traffic.

3.4 The Coal Authority and Scottish Power have no adverse comments to make on the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 If the proposed development is built our view will be greatly impaired.

The right to a view is not a valid material consideration in the determination of an application for planning permission.

4.3 The digging and preparation of the ground and continuous noise during development will be constant and adversely affect our enjoyment of living in the area.

Appropriately worded conditions can be imposed on any permission granted for the proposed development to ensure that construction noise does not reach levels likely to cause a Statutory Nuisance and to limit construction activity on site to within defined parameters. Planning Advice Note 56: Planning and Noise, paragraph 40, makes it clear that whilst planning conditions can be used to limit noise from temporary construction sites it is most effectively controlled by means of the Control of Pollution Act (1974) which is outwith the remit of the Planning Authority. Any complaints about noise pollution would be addressed in consultation with the Community Services Department.

4.4 The constant stream of lorries would affect the safety and freedom of our 2 children and adversely affect our enjoyment of living in the area.

The applicant has indicated that during the construction phase, the peak number of vehicle movements in any given month will be 300 during month 2 of construction works of which 200 HGV movements are anticipated by the applicant during this month. Following the full completion of the works, after around 14 months, the applicant has stated that vehicle movements involved in the operation of the development will drop to 60 car or minibus movements per month. Appropriate conditions can be imposed in any permission granted for the proposed development to ensure: (i) that an appropriate vehicle management system has been agreed with the Council prior to construction works commencing to avoid the possibility of two vehicles meeting on this narrow road during construction works; and (ii) that an inspection is undertaken of the public road prior to, and following, the construction phase to identify any repairs required as a result of construction traffic. East Ayrshire Council Roads and Transportation Division has no objections to the development subject to the imposition of such conditions.

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). East Ayrshire Local Plan

5.2 Policy CS1 states that the Council will give encouragement to all other community facility and public service organisations to maintain and improve the services they provide.

The proposed development represents an improvement to the existing service which is provided by the Afton Water treatment works.

5.3 Recommendation 4 of the East Ayrshire Local Plan states that all providers of essential services and utilities are recommended by the Council to continue to invest in infrastructure improvements with a view to improving service provision throughout East Ayrshire while, at the same time, ensuring that their proposals do not have any unacceptable adverse impact on the amenity of residents and the environmental quality of the area.

The proposed development represents an improvement in the existing infrastructure at the Afton Water treatment works. Potential impact on the amenity of residents can be mitigated by the imposition of appropriate conditions in any permission granted for the proposed development. These conditions specifically seek to: (i) reduce noise levels during construction and maintenance of the new facility to acceptable levels; and (ii) enable an assessment to be made following construction works of any repairs required to the public road, the costs of which would be borne by the developer; and (iii) ensure that a safe vehicle management system has been agreed with the Council prior to construction works commencing, thereby avoiding the possibility of construction-related traffic meeting on narrow parts of this road.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representation received.

Consultations Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The terms of a letter of objection are detailed in Section 4 above.

It is considered that one of the points of objection is not a valid material consideration in the determination of this application. The other points of objection relating to noise, disturbance, and traffic, particularly during the construction phase, can be addressed to a satisfactory degree by the imposition of appropriate conditions in any permission granted for the proposed development. It is

considered that the points of objection are not of sufficient weight to justify refusal of the application.

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, the proposed development is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to this application.

8.2 These considerations have been assessed and are not considered to be such as to merit refusal of the application. The proposed development will provide an upgraded water treatment works to serve the surrounding area without having an unacceptable adverse impact on the amenity of residents and the environmental quality of the area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because there will be no significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

09 May 2003
RD/RD

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).

Any person wishing to inspect the background papers listed above should contact Mr Robert Duncan on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0944/FL

Location	Afton Water Treatment Works Afton Road New Cumnock KA18 4PR
Nature of Proposal:	Proposed construction of additional treatment process to upgrade existing works to meet new legislative requirements – single storey building and 2 additional external steel tanks
Name and Address of Applicant:	Scottish Water Castle House 8 Castle Drive Dunfermline KY11 8GG
Name and Address of Agent	MWH Craigievar House 77 Craigmount Place Edinburgh EH12 8XF

DPO's Ref: [Hugh Melvin]
PPO's Ref; []

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

1. During the period of construction, the noise level generated within the development site shall not be such as to cause nuisance to neighbouring residential properties.

REASON – To safeguard the residential amenity of the area

2. Prior to works commencing on site, the applicant shall undertake a pre-construction inspection of the C90 public road in conjunction with a representative from East Ayrshire Council Roads and Transportation Division.

REASON – In order to assess the state of the road prior to construction works commencing and identify any repair works required following the completion of works on site, in the interests of public and road safety.

3. Prior to works commencing on site, the applicant and their contractors shall provide a telecommunications system between vehicles involved in construction works to avoid vehicles meeting on the C90 public road during the main construction phase of the works. This telecommunications system shall be agreed in writing with the Planning Authority prior to works commencing on site.

REASON – In the interests of public and road safety

4. Before 0800 hours and after 1800 hours on Mondays and Fridays and before 0900 hours and after 1700 hours on Saturdays and at all times on Sundays, there shall be no construction or development works relating to the implementation of this consent and no commercial vehicles shall enter and leave the site.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity

5. Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the building and tanks, in terms of type and colour, shall be agreed in writing with the Planning Authority prior to the commencement of works on site.

REASON – To ensure that the new development relates well to the external appearance of the existing treatment works and thereby maintain the visual quality of the area

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