

EAST AYRSHIRE COUNCIL

**NORTHERN LOCAL PLANNING COMMITTEE: 22 JUNE 2007
07/0158/OL: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES IN
OUTLINE
AT MAXWOOD ROAD, GALSTON
BY AYRSHIRE PROPERTY DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed application is for the demolition of the vacant snooker club and commercial premises and the development of the land for residential purposes in outline. Access is proposed to be taken to the site from Maxwood Road.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Section 75 legal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

3.2 It is considered that the proposed development does not meet the requirements of Policy IND5 as part of the development site is located within a safeguarded industrial area in the East Ayrshire Local Plan. Policy IND5 states that the Council will safeguard those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order.

3.3 It is acknowledged that in the East Ayrshire Local Plan only part of the development site is located on land safeguarded for industry, the remainder of

the site is considered to be suitable for residential use in accordance with Local Plan policy. It is noted that the Council's Business Development Section is not aware of any market demand for the site for industrial and business purposes. Consequently, the Council's Business Development Manager can offer no reason that the site should not be developed for residential use. As such it is considered that a sustainably supportable, local industrial and employment opportunity would not be lost in this instance.

3.4 As mentioned in part 6.6 of this report the area of land to the south of the site, which is also designated as safeguarded industrial land and which includes the potential access to the site under consideration, has been granted planning consent for residential use in outline. It is therefore considered that the current proposal would compliment the surrounding residential land use and enhance the residential amenity of the area.

3.5 It is acknowledged that the proposed development site is situated on vacant brownfield land located within the settlement of Galston. Furthermore the application site under consideration, although partly designated in the current Local Plan as safeguarded industrial use, lies vacant and buildings on the site have recently been demolished. It is therefore considered that the redevelopment of this site for residential use would be acceptable in terms of the proposal complimenting the existing adjacent residential uses located at Maxwood Road and Maxwood Court.

3.6 Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the expansion of that established use. Given that planning consent was previously granted for residential use immediately to the south of the current site and that the proposed redevelopment of brownfield land would enhance and compliment the surrounding residential properties, it is considered that an exception to policy can be justified and the proposal supported in this instance. The proposed development for residential use in outline is considered acceptable and beneficial to both the character and appearance of the surrounding area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Parent Planning Committee as it would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Economic Development

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

NORTHERN LOCAL PLANNING COMMITTEE: 22 JUNE 2007 07/0158/OL: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES IN OUTLINE AT MAXWOOD ROAD, GALSTON BY AYRSHIRE PROPERTY DEVELOPMENTS LTD

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is recommended for approval as an exception to policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a partly vacant area of ground which also includes a vacant snooker club building and commercial premises situated at Maxwood Road in Galston. The application site is bounded by mainly industrial land to the west, Barrmill Stadium to the north, vacant land to the east and residential properties to the south.

2.2 **Proposed Development:** The proposed application is for the demolition of the vacant snooker club and commercial premises and the development of the land for residential purposes in outline. Access is proposed to be taken to the site from Maxwood Road.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scotland Gas Networks have offered no objections to the proposal.

Noted.

3.2 Scottish EnvironmentN Protection Agency have offered no objection to this proposal provided all foul drainage from the site is connected to the public sewer and recommend that the applicant consult with Scottish Water in this regard. SEPA requests that the applicant treats the surface water from the site in accordance with the principles of the SUDS Manual (C697) published by CIRIA in March 2007.

The requirements of SEPA can be addressed by attaching an advisory note and a planning condition to any grant of planning permission.

3.3 East Ayrshire Council's Roads and Transportation Division has not objected to the proposal but have offered the following comments:

3.3.1 The proposed access point onto Maxwood Road should be a standard residential road junction, not angled as indicated on the submitted plans. A two metre wide footway should be constructed over the frontage of the development , including the frontage onto Barrmill Road. It should be noted that the Roads Division will not grant road construction consent where road surface water does not discharge into a public sewer or watercourse. The applicant shall be informed that the internal road layout on plan A001, date stamped 23 February 2007 is not acceptable as it does not conform to the requirements of the Roads Development Guide.

As the proposal is in outline, the requirements of The Council's Roads Division can be addressed through the submission of a reserved matters planning application.

3.4 East Ayrshire Environmental Health and Waste Management Section have not objected to the proposal. They have however commented that the location of the proposed development site was part of the Portland Lace Mill and has subsequently been associated with commercial/industrial usage. Consequently the Council's Environmental Health Section recommends that no development shall begin on the site until a comprehensive contaminated land investigation has been submitted to and approved in writing by the Council.

The requirements of the Council's Environmental Health Section can be addressed by the attachment of planning conditions to any grant of planning permission.

3.5 Scottish Water have not replied to the consultation request.

Noted.

3.6 Galston Community Council have offered no objection to the application

Noted.

3.7 Scottish Power have no objections to the proposal.

Noted.

3.8 West of Scotland Archaeology Service requested a consultation on the application and offered no objection to the proposal.

Noted.

3.9 Planning and Economic Development Business Development Section has raised no objection to the proposal and offers the following comment:

3.9.1 The Business Development Section is not aware of any market demand for this particular site for industrial or business purposes. As the immediately adjoining site has received planning consent for residential development it would seem appropriate that this, together with the current application site would form a useful development opportunity.

Noted.

4. REPRESENTATIONS

4.1 The application was advertised as contrary to the Development Plan in the Kilmarnock Standard on 08 March 2007. No letters of objection have been received in connection with the application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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, The Finalised Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Finalised Ayrshire Joint Structure Plan

5.3 The application does not raise any strategic issues that would require assessment against the provisions of the Finalised Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.4 Policy IND5 states that the Council will safeguard those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order.

Whilst it is acknowledged that only part of the site is located within a safeguarded industrial area designated as such in the East Ayrshire Local Plan, the proposal to establish residential land use on the remainder of the application site is in accordance with Local Plan policy. In addition, the land to the south of the application site, which provides access to the proposed development site, has received planning permission for residential use in outline. It is noted that the Council's Business Development Section is not aware of any market demand for the site for industrial and business purposes and considers that since the immediately adjoining site has received planning consent for residential use it would seem appropriate that this, together with the current proposal would form a useful development opportunity. Consequently the Council's Business Development Manager can offer no reason that the site should not be developed for residential use. As such it is considered that a sustainably supportable, local industrial opportunity would not be lost in this instance. Furthermore consideration must be given to the future land use designation of the proposed development site which is currently under review through the Council's emerging Local Development Plan.

5.5 Policy SD6 states that the Council will positively encourage the re-use and redevelopment of brownfield land, both in the area settlements and in the rural area, in preference to the development of Greenfield sites. The release of Greenfield land for development will require to be fully justified and will be supported only where an alternative, developable brownfield site is not readily available, marketable or capable of development for the purposes envisaged.

It is acknowledged that the proposed development site is situated on vacant brownfield land located within the settlement of Galston. The land immediately to the south of the application site has been granted planning consent for residential purposes in outline and it is considered that the current proposal would provide a suitable addition to this established residential use. Furthermore the application site under consideration, although partly designated in the current Local Plan as safeguarded industrial use, lies vacant and buildings on the site have recently been demolished. It is therefore considered that the redevelopment of this site for residential use

would be acceptable in terms of the proposal complementing the existing adjacent residential uses located at Maxwood Road and Maxwood Court.

5.6 Policy TLR 5 states that the Council will request all potential developers of residential sites comprising four or more houses, to enter into a Section 75 Agreement with the Authority for contributions towards the provision of appropriate leisure and recreational facilities within the area to which the development relates.

Whilst the proposal under consideration is an outline planning application, the applicant has indicated that they are willing to enter a formal legal agreement to make a contribution to the TLR 5 fund for both the current application site and for the site previously granted outline planning consent.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations received, the impact of the proposal on the amenity of the area, the planning history and supporting information provided by the applicant.

Consultations

6.2 The consultation responses have raised various issues with respect to the application. However, it is considered that any issues raised can be dealt with by way of attaching conditions to any planning consent granted.

Representations

6.3 No letters of representation have been received in connection with the application

Impact on the Amenity of the Area and Neighbours

6.4 The proposed development would compliment and enhance the neighbouring properties and the surrounding area and would not result in any adverse effects on the visual and residential amenity of the area.

Planning History

6.5 Planning application 98/0583/FL, planning consent was granted on 13/11/1998 for the change of use and extension to form snooker club and disco.

6.6 Planning application 04/0083/OL was granted planning consent subject to conditions on 08/02/2005 for the demolition of existing building and the erection of 10 No. two storey dwellinghouses.

6.7 Planning application 05/0312/FL was granted planning consent subject to conditions for the conversion of lounge bar to caretakers dwelling on 15/06/2005.

Supporting Information

6.8 The applicant has also submitted supporting information which states:

"We believe the application for the change of use of industrial land at Maxwood Road should be granted outline planning consent, as it:

- i) Complies to national planning guidance and strategic planning policy which supports the re-use of land within settlements for future development;
- ii) Complies with national planning policy and structure plan policy which supports the redevelopment of industrial sites no longer required for their original purpose;
- iii) Complies, in part to the adopted local plan policy which supports development on the eastern section of the application site;
- iv) Complies in whole to the emerging local plan policy, which has seen the removal of the industrial allocation on part of the proposed development site and a new support for alternative uses in this location;
- v) Will have a minimum effect on the industrial land supply, due to the size and nature of the unit which would be lost as a result of the proposed redevelopment of the site in comparison to the units available at Barrmill Industrial Estate, and in the wider economic sites available in East Ayrshire;
- vi) Will have minimal effect on employment opportunities in the settlement, as the relocation of the occupiers will ensure continued employment opportunities in alternative location;
- vii) Will assist in regenerating land within the settlement which is no longer required, or suitable for its original purposes;
- viii) Will continue to improve the residential amenity of the area of Maxwood Road;
- ix) Will promote brownfield development;
- x) Will provide a small scale housing development opportunity within a primarily residential area of Galston.
- xi) Will improve the visual amenity of the area through the removal and regeneration of a partly derelict and partly low quality development site.

6.9 The applicant recognises that the adopted Local Plan does not fully support residential development over the whole of this site. However, it does lend general support for the redevelopment of part of the site, and in relation to the surrounding area's characteristics and housing proposals, should be recognised

as a development opportunity that will support and enhance the residential amenity of the local area.

6.10 The promotion of housing opportunities in this location is to continue to recognise and support improvements to the residential amenity of this area, which was found to be the key factor in the determination of the proposal for residential development on land to the south.

The applicant acknowledges that part of the proposed development site is located in land designated in the Local Plan as safeguarded for industrial purposes. However, it is considered that in this instance the loss of the area of land safeguarded for industrial purposes would not result in a detrimental effect on the provision of industrial land supply in the local area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The applicant's agreement to make a contribution to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 for this and the earlier approved site will require a formal Section 75 legal agreement to be entered into between the Council and the applicant.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

8.2 It is considered that the proposed development does not meet the requirements of Policy IND5 as part of the development site is located within a safeguarded industrial area in the East Ayrshire Local Plan. Policy IND5 states that the Council will safeguard those established industrial areas as shown on the Local Plan Maps for business, industrial and storage and distribution uses falling within Classes 4, 5 and 6 of the Use Classes Order.

8.3 It is acknowledged that in the East Ayrshire Local Plan only part of the development site is located on land safeguarded for industry, the remainder of the site is considered to be suitable for residential use in accordance with Local Plan policy. It is noted that the Council's Business Development Section is not aware of any market demand for the site for industrial and business purposes. Consequently, the Council's Business Development Manager can offer no reason that the site should not be developed for residential use. As such it is considered that a sustainably supportable, local industrial and employment opportunity would not be lost in this instance.

8.4 As mentioned in part 6.6 of this report the area of land to the south of the site, which is also designated as safeguarded industrial land and which includes the potential access to the site under consideration, has been granted planning consent for residential use in outline. It is therefore considered that the current proposal would compliment the surrounding residential land use and enhance the residential amenity of the area.

8.5 It is acknowledged that the proposed development site is situated on vacant brownfield land located within the settlement of Galston. Furthermore the application site under consideration, although partly designated in the current Local Plan as safeguarded industrial use, lies vacant and buildings on the site have recently been demolished. It is therefore considered that the redevelopment of this site for residential use would be acceptable in terms of the proposal complimenting the existing adjacent residential uses located at Maxwood Road and Maxwood Court.

8.6 Approval of this application would not introduce residential activity to the site for the first time; rather it would allow for the expansion of that established use. Given that planning consent was previously granted for residential use immediately to the south of the current site and that the proposed redevelopment of brownfield land would enhance and compliment the surrounding residential properties, it is considered that an exception to policy can be justified and the proposal supported in this instance. The proposed development for residential use in outline is considered acceptable and beneficial to both the character and appearance of the surrounding area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issuing of the planning decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal Section 75 legal agreement with the applicants in respect of a financial contribution to the TLR5 fund, as referred to in paragraphs 5.6 and 7.1 of the report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Parent Planning Committee as it would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Economic Development

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Objection.
5. Statement of Support.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted East Ayrshire Local Plan.
8. Planning Application No: 98/0583/FL
9. Planning Application No. 04/0083/OL
10. Planning Application No. 05/0312/FL

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer on 01563 576768.

Implementation Officer: Dave Morris

14 June 2007
JL/RH
FV/DVM

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

07/0158/OL

Site of Proposal:	Maxwood Road GALSTON KA4 8JJ
Nature of Proposal:	Development of Land for Residential Use in Outline
Name & Address of Applicant:	Ayrshire Property Developments Ltd High Burnhouse Sorn Road GALSTON KA4 8LJ
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

DPOs Reference: JL/RH

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved.
 - (a) The layout of the site;
 - (b) The size, height, design and external appearance of the proposed dwellinghouses.
 - (c) The means of drainage and sewage disposal;
 - (d) Details of the access arrangements;
 - (e) The provision for open space and associated maintenance arrangements;
 - (f) The provision for car parking;
 - (g) The boundary walls/fences to be erected;
 - (h) The landscaping of the site and associated maintenance arrangements;
 - (i) Finished site levels/floor levels.

REASON The approval is in outline only.

2. No development shall begin on site (with the exception of site investigative works), until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority.

The investigation shall be conducted in line with BS 10175: 2001 code of practice for "*The investigation of potentially contaminated sites*" and will contain details of proposals to deal with contamination (if present) to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

REASON To ensure potential risks arising from previous site uses have been fully assessed.

3 If the application is approved under the terms of Condition 2 above, prior to any further site development, the developer shall submit a report, confirming that any remedial works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

4. Notwithstanding the plans hereby approved any demolition works shall be undertaken in accordance with the relevant Code of Practice and in such a fashion as not to cause any nuisance from dust, noise or burning etc.

REASON In the interests of residential amenity and public safety.

5. The hours of any works on site will be confined between 08:00 hours and 17:00 hours Monday to Friday and between 09:00 and 13:00 hours on a Saturday with no works permitted on a Sunday.

REASON: In the interests of residential amenity.

Note to applicant

1. The applicant will be required to treat surface water in accordance with the principles of the SUDS Manual (C697) published by CIRIA in March 2007.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**