EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 6 MARCH 2007

LAND AT SMALLBURN ROAD, MUIRKIRK

Report by the Acting Executive Director of Development and Property Services

1. PURPOSE OF REPORT

1.1 To request Committee authority to declare surplus an area of land located off Smallburn Road, Muirkirk, as shown on the attached plan.

2. BACKGROUND

2.1 The land currently comprises an area of open space extending to 800 sq m, or thereby.

2.2 An enquiry has been received from a developer (Omnivale Limited), who owns land situated to the rear of the Council's land, to acquire the land to incorporate into their proposed residential development site and provide access to same. The Council's land therefore constitutes a ransom strip.

2.3 The Council's land is held on the General Services Account within the Roads portfolio and, accordingly, any decision to declare the ground surplus to requirements requires the approval of this Committee.

3 PRESENT POSITION

3.1 The Acting Executive Director of Development and Property Services has agreed provisional terms and conditions for the disposal of the site, which is conditional on the applicant obtaining outline planning permission for 8 units and in terms satisfactory to them.

3.2 The Roads Section has confirmed that they would have no objections, in principle, to the disposal of the land for residential development.

3.3 The Planning Development and Building Standards Section has confirmed that the land forms part of the Miscellaneous Development Opportunity Site 051M, as identified in the adopted East Ayrshire Local Plan. The overall Development Opportunity Site is identified in the plan as being suitable for recreational or amenity purposes. However, some residential or industrial use of the site along its Furnace Road or Smallburn Road boundaries may also be considered appropriate, subject to ground conditions being proved suitable for such developments. As the area of land fronts Smallburn Road, Planning have, in principle, no objection to the residential development of the area, as a composite part of the development of the larger area. Planning, therefore, have no objections to the disposal of the land for the purposes proposed, in planning policy terms.

3.4 The local member has been consulted and has no objections in principal to the disposal

4 FINANCIAL IMPLICATIONS

4.1 The release of this land will enable the Council to generate a capital receipt for the General Services Account.

5 LEGAL IMPLICATIONS

5.1 There are no restrictive title conditions which would affect the proposed disposal of the subjects.

6 POLICY IMPLICATIONS

6.1 It is normal Council policy to advertise buildings and land for sale on the open market unless there are special reasons to do otherwise.

6.2 It is considered that in this instance there are special reasons for dealing directly with this company as the land on its own is not developable and its disposal will enable, subject to the grant of planning permission, the creation of a residential development site.

6.3 It should be noted that in the event that the proposed disposal does not proceed, the land will revert back to the General Services Account to be held in the Roads Portfolio.

7 RECOMMENDATIONS.

It is recommended that Committee:

a) Agree to declare the land, extending to 800 sq m, or thereby, at Smallburn Road, Muirkirk surplus to requirements and authorise the disposal of same to Omnivale Limited.

b) Authorise the Acting Executive Director of Development and Property Services to finalise the negotiations for the sale; and

c) Otherwise note the contents of this report.

Jim Kane
Acting Executive Director of Development and Property Services

19 January 2007
JK/AH

LIST OF BACKGROUND PAPERS – Nil

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