

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 JANUARY 2005**

**04/0083/OL: PROPOSED DEMOLITION OF EXISTING BUILDING AND  
ERECTION OF 10 NO. 2 STOREY DWELLINGHOUSES  
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 existing distribution factory and the erection of 10 no. 2 storey dwelling houses.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

#### **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 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. The application is therefore considered contrary to policy IND5 and is unacceptable in Planning Policy terms. There are no material considerations which would merit approval of this development.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee as it would represent a significant breach of Council policy.

**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.**

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**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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is recommended for refusal.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a redundant frozen food distribution factory situated at Maxwood Road in Galston. The application site is bounded by mainly industrial land to the north and west with residential the main use to the south and east.

2.2 **Proposed Development:** The proposed application is for the demolition of the existing distribution factory and the erection of 10 no. 2 storey dwelling houses.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco and The Coal Authority have been consulted as part of this application and have offered no objections.

***Noted.***

3.2 SEPA have been consulted as part of this application and have offered no objection to this proposal provided all foul drainage from the site is connected to the public sewer. They would however seek written assurance from Scottish Water that the additional flow rising from this development will not cause or contribute to the premature operation of consented storm overflows. In addition they speculate that the site may have been contaminated by past uses and comment on the risks of pollution during demolition.

***Noted.***

3.3 East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have requested that the application be deferred for the following reasons. The one way road proposed does not conform to the geometry required for the public road. The footways adjacent to the site must be increased to 2 metres and the formation of the new junction onto Maxwood Road will require alterations to the existing street lighting apparatus. Parking levels within the development can not be determined, however if the buildings are set back from the carriageway by six metres then residents parking should be accommodated within the curtilage of each dwelling and visitor parking could be accommodated within the turning head. The drainage of the development is not indicated and the SUDS for road surface water will require the approval of the Roads Division.

***It should be noted that had the application not been contrary to policy the above issues would have been pursued.***

3.4 East Ayrshire Environmental Health and Waste Management Section have been consulted as part of this application and have offered no objection. They have however commented that asbestos may be present and that the applicant will require to ensure proper protocols are adhered to in order to ensure the safe handling and disposal of the material.

***Noted.***

3.5 Scottish Water have been consulted as part of this application and have objected, the grounds of which are detailed in section 4 below.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of representation has been received from Scottish Water with respect to this application and the reasons for objection are as follows:

4.1 Scottish Water objects to this application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development as this is outwith Scottish Water's "reasonable cost" obligations in terms of the sewerage (Scotland) Act 1968. Scottish Water would remove its objections if the applicant:-

a). Bears the cost of the increase in capacity of Scottish Water's existing infrastructure to accommodate their development; and/or

b). Promotes a scheme that does not compromise the quality and quantity of discharge from the existing sewerage system and which is in terms satisfactory to Scottish Water.

***Scottish Water's objection is noted and the issues raised would require to be addressed prior to any development. However given that the application is contrary to East Ayrshire Local Plan Policy the above issues were not pursued.***

## **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 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.

### Adopted East Ayrshire Local Plan

5.3 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.

***The site is located within a safeguarded industrial area designated as such in the East Ayrshire Local Plan. The proposed residential use at this location is contrary to policy IND5. It is noted that the applicant has submitted additional supporting information in the form of a report which is summarised in Section 6.4. Notwithstanding the details of this report the building is located within the sole safeguarded industrial area in Galston. The safeguarded area occupies a relatively small part of the town and, if alternative uses were to be permitted at this location, the availability of employment land in Galston would be significantly reduced which is considered to be unacceptable. The application is therefore considered contrary to policy IND5 and is unacceptable in Planning Policy terms.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

### Consultations

6.2 The consultation responses have raised various issues with respect to the application, which have not been pursued given that the application is fundamentally contrary to policy.

### Representations

6.3 The issues raised by Scottish Water have been assessed in Section 4 above and as stated Scottish Water's objection is noted and the issues raised would require to be addressed prior to any development. However given that the application is contrary to East Ayrshire Local Plan Policy the above issues have not been pursued.

6.4 The applicant has also submitted supporting information which states:

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

- i) Complies to national planning guidance and strategic planning policy;
- ii) Can comply to local plan housing policies relevant to potential new housing developments;
- iii) Has no market interest in utilisation of this land for industry; due to provision of more attractive sites with greater potential for development in East Ayrshire and outwith Galston;
- iv) Will have minimal effect on the industrial land supply for East Ayrshire, due to the existing and proposed sites allocated within the Local Plan in the surrounding area;
- v) Will have a minimum effect on employment opportunities in Galston, due the land currently being ineffective;
- vi) Will regenerate land no longer required for its original industrial use;
- vii) Will promote brownfield development;
- viii) Will provide a small scale, quality housing development within the main settlement, to encourage choice and variety in housing stock within the local area;
- ix) Will promote the residential amenity of Galston;
- x) Will encourage sustainable development with good access to public transport, facilities and services in the local area.

We recognise that Barrmill Industrial Estate is safeguarded for industrial use, however, the requirement for this site to be safeguarded is questionable in the current industry market. Local plan allocations of industrial land provide modern, quality investment options incomparable to Barrmill Industrial Estate where there is no market demand or interest.

The application submitted to East Ayrshire Council promotes a viable, quality development to regenerate a site which has lain vacant since 2003. The development of a small scale housing site would promote a quality residential environment beneficial the local community of Galston".

***Notwithstanding the above submission, the application remains contrary to policy by proposing the loss of industrial premises and the only safeguarded industrial site in Galston. As such a sustainably supportable, local industrial opportunity would be lost.***

#### Impact on the Amenity of the Area and Neighbours

6.5 The proposed development would not have a significant impact on the visual or residential amenity of the area. It would however reduce the availability of employment land in Galston significantly, which would have social implications for employment within the area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determining this application.

## **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 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. The application is therefore considered contrary to policy IND5 and is unacceptable in Planning

Policy terms. There are no material considerations which would merit approval of this development.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee as it would represent a significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

12 January 2005  
(EMcL/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Submission in Support.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Eddie McLennaghan on 01563 576787.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0083/OL

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Site of Proposal:	Maxwood Road GALSTON KA4 8JJ
Nature of Proposal:	Proposed Demolition of Existing Building and Erection of 10 No. 2 Storey Dwellinghouses
Name & Address of Applicant:	Ayrshire Property Developments Ltd High Burnhouse Sorn Road GALSTON KA4 8JJ
Name & Address of Agent:	James W Mair 25 Woodside Avenue KILMARNOCK KA1 1TU

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DPOs Reference: EMcL/MMM

The above OUTLINE application should be refused for the following reason:-

1. The proposed development is contrary to Policy IND 5 of the East Ayrshire Local Plan in that it would result in the loss of the only safeguarded industrial, business and storage site in Galston. The proposal would involve the loss of a suitable sustainable location for the provision of local business opportunities.

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VIEWING PLEASE CONTACT (01563) 576790.**