

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006

05/1239/FL: RELOCATION OF LPG TANKS AND GAS DISPERSION WALL AND FORMATION OF LAY BY FOR LPG TANKER AT 22 MAIN ROAD, WATERSIDE, KILMARNOCK, KA3 6JB BY CASTLE DEVELOPMENTS LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the relocation of three, two tonne underground LPG tanks, the formation of an associated gas dispersion wall and lay-by for the LPG tanker. The tanks will be accommodated in a pit of some 1.88 metres in depth which will be backfilled. By contrast with an earlier submission considered by Committee and on appeal last year; the nearest tank to the southern boundary of the site has been re-located to extend the distance between tank and site boundary to 4 metres for the most part. The proposed gas dispersion wall would rise to 0.5 metres above ground level. The lay-by for the LPG tanker is 21 metres long and 3.1 metres deep, at its widest.

1.2 A 1m high boundary wall and access gate to the LPG tanks is proposed around the northern and eastern perimeter of the application site.

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 the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be refused. Historic Scotland offer no objections to the

application. The tanks are below ground and their impact will be confined in visual terms to boundary features, layby and access path.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, following a request from a Committee Member, and that decision route has been agreed by the Head of Planning, Development and Building Standards in consultation with the Chair of the Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located within Waterside and comprises land adjacent to the new access junction serving the housing development. The application site lies across the access road from the Category 'B' listed former Mill building and adjacent to the application site which is the subject of a separate application for planning permission for three terraced dwelling houses (06/0008/FL) Residential properties are located to the south, north and west of the application site and predominantly agricultural land to the east.

2.2 **Proposed Development:** Planning permission is sought for the relocation of three, two tonne underground LPG tanks, the formation of an associated gas dispersion wall and lay-by for the LPG tanker. The tanks will be accommodated in a pit of some 1.88 metres in depth which will be backfilled. By contrast with an earlier submission considered by Committee and on appeal last year; the nearest tank to the southern boundary of the site has been re-located to extend the distance between tank and site boundary to 4 metres for the most part. The proposed gas dispersion wall would rise to 0.5 metres above ground level. The lay-by for the LPG tanker is 21 metres long and 3.1 metres deep, at its widest.

2.3 A 1m high boundary wall and access gate to the LPG tanks is proposed around the northern and eastern perimeter of the application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection to the proposal subject to a condition requiring any vehicle access crossing of the footway to be constructed to a commercial access standard.

Should the Committee be minded to approve the proposal a condition can be attached requiring any access crossing of the footway to be constructed to a commercial access standard.

3.2 East Ayrshire Council Environmental Health Division have not responded in respect of the proposal.

Noted.

3.3 East Ayrshire Council Outdoor Services Division have not responded in respect of the proposal.

Noted.

3.4 Scottish Environment Protection Agency (SEPA) have not responded in respect of the proposal.

Noted.

3.5 Historic Scotland have no objections to the proposal.

Noted.

3.6 Health and Safety Executive are not statutory consultees, but they have been asked by this Division to comment informally on the application. However, they have not responded at the time of writing this report.

Noted. It is noted, however, that the nearest face of the nearest tank to the mutual boundary to the south will be in excess of the 3 metres stipulated as being an appropriate minimum separation distance within the Code of Practice for LPG tanks.

3.7 Strathclyde Fire Brigade and Moscow and Waterside Community Council have not responded in respect of the proposal.

Noted.

4. REPRESENTATIONS

4.1 The proposal was advertised in the Kilmarnock Standard on the 15 December 2005 as development affecting the setting of a listed building. No letters of representation have been received in relation to the proposal.

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).

Ayrshire Joint Structure Plan

5.2 There are no specific policies relevant to the assessment of this proposal.

East Ayrshire Local Plan

5.3 Policy ENV1 states that the Council will seek to protect, preserve and enhance all heritage resources including listed buildings.

It is considered that the works will not impact adversely on the setting of the listed building and Historic Scotland do not object or offer any comments in respect of the proposal as detailed in section 3.5.

5.4 Policy ENV4 seeks to ensure that all development affecting the appearance or setting of a listed building is sympathetic to the building concerned in terms of layout, size, design, siting, scale, materials and colour.

As detailed above it is considered that the proposed works will not impact adversely on the setting of the listed building.

5.5 Policy ENV8 encourages developers in formulating their proposals to ensure that a range of criteria are addressed, summarised as follows: accessible environment, traffic safety measures introduced, community safety and natural surveillance measures introduced, sustainability in design through recyclables and energy efficiency, designs are innovative and sensitive to the character of the area, developments are landscaped to reflect and compliment the surroundings and integration of open space within existing areas.

It is considered that the proposal does not contravene any of the criteria listed in policy ENV8. The proposal will not impact adversely on the character of the adjacent listed building.

5.6 Policy ENV17 requires any developer intending to develop land where there is known to have been flooding in the past, to fully investigate the flood risk on their proposals and on adjoining land and take appropriate measures.

The applicants have submitted a flood risk assessment which addresses flood risk on the site and which has been agreed by SEPA. Drainage details for this infilled area can be sought by a condition on any grant of planning consent.

5.7 Policy ENV20 seeks to ensure that any new development has minimum adverse effects on the physical environment and the amenity of the area by reason of air, light and noise pollution, through the use of conditions or legal agreement as required.

It is considered that the proposal will not involve any significant adverse impact on the amenity of the area.

In conclusion, it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

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

Impact on the amenity of the area

6.3 The proposal allows for the provision of infrastructure to serve the residential properties on the wider development site and it is considered that the proposal can be accommodated without significant adverse impact to the area or adjacent listed buildings.

Planning History

6.4 The planning application site has been the subject of a previous planning application and appeal for a similar proposal; planning permission was refused (05/0147/FL) for Proposed Installation of LPG Tanks and Gas Dispersion Wall and Raising of Ground Levels on 27th May 2005. The applicants appealed the decision which was allowed on 30th August 2005.

In addition the planning application site has been the subject of various planning applications as detailed below;

6.4. (i) Planning permission was granted (99/0829/FL) for the Proposed Refurbishment of Listed Building to Form 5 New Flats and Erection of 17 New Houses on 30th August 2002.

6.4. (ii) Listed building consent was granted (01/0426/LB) for the Proposed Refurbishment of Listed Building to Form 5 Flats on 27th October 2002.

6.4.(iii) Planning permission was granted (03/0010/FL) for the Proposed Realignment of Access Road/Junction as Per Planning Permission Ref: 99/0829/FL on 11th February 2002.

6.4. (iv) Planning application (03/1096/FL) for the Proposed Part Conversion of Redundant Mill Building to Three Townhouses Plus Three, Two Storey Terraced Houses was withdrawn on 8th November 2005.

6.4. (v) Planning permission was granted (03/1110/FL) for the Proposed Erection of 12, Two Storey Detached Houses with Access Road and Associated Parking on 29th November 2004.

6.4. (vi) Listed building application (03/1094/LB) for Proposed Part Conversion of Redundant Mill Building to Form Three Townhouses and Erection of Three, two Storey Terraced Houses was withdrawn on 8th November 2005.

6.4. (vii) Planning application (04/0901/FL) for Proposed Installation of LPG Tanks was withdrawn on 8th November 2005.

6.4. (viii) Planning permission was granted (05/0119/FL) for Proposed Vertical and Horizontal Alignment of Access Road on 27th June 2005.

6.5 Listed building application (05/0737/LB) for Proposed Change of Use and Alterations to Former Listed Mill Building to Form 3 Townhouses and 2 Flats was withdrawn on 8th November 2005.

6.6 Planning Application (05/1112/FL) was approved by the Northern Area Local Planning Committee 20th January 2006 for the Change of Use and

Alterations to Former Mill Building to Form Six Flats. The Planning Consent will be issued upon the signing of the legal agreement pertaining to the TLR5 fund contributions.

6.7 Listed Building Application (05/1075/LB) was approved by the Northern Area Local Planning Committee on 20th January 2006 for the Change of Use and Alterations to Former Mill Building to Form Six Flats. The Listed Building consent will be issued upon the signing of the legal agreement pertaining to the TLR5 fund contributions.

6.8 The Council has had to serve enforcement notices relating to the commencement of development prior to the discharge of all conditions, (03/1110/FL), and the undertaking of development at variance with issued consents and without the benefit of planning permission. Both notices were appealed to the Scottish Ministers. The former notice was accompanied by a stop notice, which has now been withdrawn by the Council following compliance with the terms of that enforcement notice. The remaining enforcement notice and the refusal of planning application 05/0147/FL were the subject of a Public Hearing held on 18 July 2005.

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 in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these indicate that the application should be refused. The tanks are below ground and their impact will be confined in visual terms to boundary features, layby and access path.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

GC/IMB

8 March 2006

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Planning History.

Implementation Officer: Dave Morris

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer on 01563 576769.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1239/FL

Site of Proposal:	22 Main Road, Waterside, Kilmarnock, KA3 6JB
Nature of Proposal:	Relocation of LPG tanks and Gas Dispersion Wall and Formation of Lay by for LPG Tanker
Name & Address of Applicant:	Castle Developments Ltd, 119 Cambuslang Road, Cambuslang, Glasgow, G72 7TS
Name & Address of Agent:	Thomson Dawes 21 Portland Road Kilmarnock, KA2 2BT

DPOs Reference: GC/IMB

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

1. Before the LPG tanks become operational, a landscaping scheme shall be submitted to and approved in writing by the planning authority. The scheme shall include: finished ground levels in relation to a fixed datum; hard and soft landscaping works within the application site boundary; the location and design, including materials, of walls, fences and gates; and a programme for completion and subsequent maintenance. The scheme shall be designed to prevent use of the site for play or recreation. The scheme shall be implemented by the end of the next planting season following the tanks being brought into operation.

REASON In the interests of visual and residential amenity.

2. Construction works associated with the development shall not be undertaken outwith the hours of 08:00 hours to 18:00 hours Monday to Friday and 09:00 hours to 16:00 hours on Saturday and not at any time on Sunday.

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

3. Within 3 months of the date of this consent, details of the rendering and colour of the gas dispersion wall shall be submitted to and agreed in writing by the planning authority. The gas dispersion wall shall be erected in accordance with those details before the LPG tanks become operational.

REASON In the interests of public safety and visual amenity.

4. Before the LPG tanks become operational, details of the materials for the tanker vehicle layby and pedestrian access to the tanks and demarcation of the area occupied by the tanks shall be submitted to and agreed in writing by the planning authority. These details shall be implemented before the LPG tanks become operational.

REASONS To take account of the potential for a more visually acceptable layout and in the interests of public safety.

5. Prior to the LPG tanks coming into use, details of the means of drainage of the site including the accommodation of surface water run off, shall be submitted to and approved by the planning authority and shall thereafter be implemented as approved.

REASON In the interests of public safety and residential amenity.

6. Notwithstanding the plans hereby approved, any vehicle access crossing of the footway shall be constructed to commercial access standards, within three months of the date of this consent.

REASON In the interest of road safety.

**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.**