

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 22 APRIL 2005

**05/0188/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR A
PRIVATE HOUSING DEVELOPMENT AT FURNACE ROAD, MUIRKIRK**

APPLICATION BY MUIRKIRK ENTERPRISE GROUP

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought to develop the site for residential purposes. At this stage no indication has been given regarding the number of dwellings proposed, the layout of the site or the design and style of the proposed dwellings.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that these would not be of significant weight to justify a departure from policy.

3.2 The proposed residential development site forms part of a Development Opportunity area specifically safeguarded for industrial purposes and is the only such area identified within the settlement of Muirkirk in terms of the adopted East Ayrshire Local Plan.

3.3 The site is also located adjacent to existing commercial premises located within the Furnace Road industrial estate and it is considered that the development of the application site for residential purposes would be in conflict with such uses and not in the best interests of good planning principles.

3.4 It is further considered that there are existing identified areas within the settlement of Muirkirk for residential development purposes without the loss of a safeguarded development opportunity site for industrial purposes.

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 because it would represent a significant departure from the development plan. It would also require notification to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as the Council has a financial interest in the proposed development.

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 the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located off the east side of Furnace Road in Muirkirk and lies within the Furnace Road Industrial Estate on the north side of the estate access road. The site lies to the east of the existing industrial commercial units and extends to approximately 0.9 hectare.

2.2 The site is level and presents as non-maintained open space. The existing access road extends along the southern boundary of the application site. The site is presently in the ownership of the Council.

2.3 **Proposed Development:** Outline planning permission is sought to develop the site for residential purposes. At this stage no indication has been given regarding the number of dwellings proposed, the layout of the site or the design and style of the proposed dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division (Flooding Section) has indicated that the development site appears to be outwith the floodplain of the adjacent watercourse and therefore has no objections to the proposal in principle. It will be necessary to submit detailed cross sections to indicate the proposed finished ground levels relative to the level of the watercourse in support of an application for full planning permission. Access

along the bank of the watercourse must be provided for inspection and maintenance purposes.

Noted.

3.2 Scottish Water has not yet responded to the consultation letter.

Noted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Appropriate conditions and notes can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.4 Power Systems has not responded to the consultation letter.

Noted.

3.5 Transco has no objections to the proposed development.

Noted.

3.6 East Ayrshire Council Environmental Health Division has indicated that the Contaminated Land Officer has flagged up the need for a site investigation for this site in view of the former heavy industrial use of this area. Historical maps show that this proposed development site was part of the former Muirkirk Ironworks (the presence of a gasometer and railway lines on the site were also

noted. Contaminants associated with these industries include metals, metalloids, inorganic compounds, acids, alkalis, fuel and mineral oils and ammoniacal liquors. Due to this industrial usage, the presence of contamination cannot be ruled out and therefore a full site investigation is required in line with PAN 33 to assess the risk of exposure to contaminants in the soil to key receptors. The standard contaminated land conditions should be applied to the application.

Appropriate standard conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Division.

3.7 Muirkirk Community Council has stated that it has no objection to the proposed development and welcomes the proposal.

Noted.

3.8 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

1. The site will require to be served by internal roads that comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, etc, and must be in place prior to commencing roadworks on site. The layout currently submitted would require minor amendments to geometry, off road parking and access locations. A Road Bond must be submitted by the developer prior to commencing building work on site.
2. Junction visibility splay areas of 2.5 metres by 35 metres will be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas. Fifteen metres forward visibility is required at speed bends.
3. No surface water must be allowed to discharge from driveways onto existing or proposed public roads.
4. Parking requirement must be to Roads Development Guide 1996, including visitor parking.
5. Any garages must be setback a minimum distance of 6 metres from the rear of the footway / service strip to avoid overcarry of loose material onto the public road.
6. The private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway or service strip to avoid overcarry of loose material onto the public road.
7. Driveway manoeuvrability should be provided for off-road parking.
8. The proposed driveways should be not less than 6.0 metres in length by 4.8 metres in width for a 2/3 bedroom house.
9. Any gates will require to open inwards, away from the public road.

10. Drainage details and in particular the use of SUDS will require the approval of East Ayrshire Roads and transportation Division, Scottish Water, and SEPA as part of the Construction Consent.

Conditions can be attached to any consent granted to meet the requirements of the Roads and Transportation Division.

4. REPRESENTATIONS

4.1 None.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

Approved Ayrshire Joint Structure Plan

5.2 There are no specific policies relevant to this proposal within the Joint Structure Plan.

Noted.

East Ayrshire Local Plan

5.3 Policy IND4 reserves, encourages and supports the development of those sites forming the effective business and industrial land supply, as identified on the Local Plan maps, for business, industrial and storage and distribution uses.

The application site forms part of Business and Industry Development Opportunity Site 049B that is specifically safeguarded for business and industrial purposes in the local plan. As the site is reserved in the plan for such purposes, the proposal to develop the area for residential purposes is considered to be contrary to the provisions of the local plan and not acceptable in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 There are no consultation responses that would suggest that permission should be withheld. The identification of a potential site contamination issue could be resolved by the use of appropriate standard conditions requiring the submission of appropriate assessment and, if necessary, remediation works. Other issues raised can be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application as the site is presently in the ownership of the Council. Should the Committee be minded to approve this application, it will require to be notified to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application but it is considered that these would not be of significant weight to justify a departure from policy.

8.2 The proposed residential development site forms part of a Development Opportunity area specifically safeguarded for industrial purposes and is the only such area identified within the settlement of Muirkirk in terms of the adopted East Ayrshire Local Plan.

8.3 The site is also located adjacent to existing commercial premises located within the Furnace Road industrial estate and it is considered that the development of the application site for residential purposes would be in conflict with such uses and not in the best interests of good planning principles.

8.4 It is further considered that there are existing identified areas within the settlement of Muirkirk for residential development purposes without the loss of a safeguarded development opportunity site for industrial purposes.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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 because it would represent a significant departure from the development plan. It would also require notification to the Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 as the Council has a financial interest in the proposed development.

Alan Neish
Head of Planning, Development and Building Standards

HM/HM/SMB
FV/DVM
10 April 2005

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
4. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0188/OL

Location	Industrial Estate Furnace Road MUIRKIRK
Nature of Proposal:	Proposed outline planning permission for a private housing development
Name and Address of Applicant:	Muirkirk Enterprise Group Garan House 28 Main Street MUIRKIRK
Name and Address of Agent	Mr. J.P. Currie 116/118Main Street MUIRKIRK KA18 3QY

DPO's Ref:
PPO's Ref: Hugh Melvin

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

1. The proposed development of the site for residential purposes would result in the loss of a significant area of land specifically safeguarded for industrial development opportunity purposes. The proposal is therefore contrary to Policy IND4 of the adopted East Ayrshire Local Plan 2003.
2. The development of residential properties within an industrial area and adjacent to existing industrial/commercial premises is not considered to be consistent with good planning principles.
3. The Council considers that there are sufficient sites within the settlement of Muirkirk identified for residential development purposes within the adopted East Ayrshire Local Plan and that there is no justification for the loss of the identified industrial development opportunity site.

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VIEWING PLEASE CONTACT (01563) 555320.**