

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 06 OCTOBER 2006

**06/0678/FL: PROPOSED BUILDERS AND HAULAGE CONTRACTORS YARD
AND ERECTION OF STORAGE SHED AT MINNIVEY, BURNTON ROAD,
DALMELLINGTON**

APPLICATION BY ROBERT JOHNSTONE AND SONS LTD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

- 1.1 Full planning permission is sought for the utilisation of the site as a builders and haulage contractors yard with the associated erection of a metal storage shed providing a floor area of some 216m². The shed is proposed to be located at the western section of the site directly in front of and above the access road and finished in blue.

2. RECOMMENDATION

- 2.1 **It is recommended that the application be approved subject to the conditions listed on the attached sheet.**

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 A full planning application has been submitted for the change of use of an existing Brownfield industrial site to form a builders and contractors haulage yard with the erection of a separate workshop unit and the reuse of the existing brick built buildings. The application site is relative remotely located on the outskirts of the small settlement of Burnton a few miles north from Dalmellington. At present the site is in a poor, untidy, derelict condition which is visible on approach.

3.3 The application is considered to be broadly compliant with the policies outlined within the Development Plan and although a single letter of objection has been made, in which a number of valid points have been raised, it is considered that such issues can be controlled via the imposition of appropriate conditions should the Committee be minded to follow the recommendation of approval.

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 because it will not be a significant departure from the development plan.

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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APPLICATION BY ROBERT JOHNSTONE AND SONS LTD

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, as the proposal is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the north of the small settlement of Burnton on the north western outskirts of Dalmellington. The land immediately to the north of the site comprises of railway lines splitting into various branch lines. The site covers an extensive area and has a history of heavy industry, originally being used as a working coal colliery and subsequently as part of the Scottish Industrial Railway Centre. The land which the application site occupies is positioned on the side of a gradual slope with existing railway lines located to the rear section. The land to both the east and west is largely overgrown grass land with a narrow winding access road branching off to the western side of the site. Immediately to the south of the application site the ground drops to the nearby Craigmark Inn which is currently used as a small public house occupying a large area of ground creating a boundary with the southern section of the application site.

2.2 The red line application site extends to an approximate area of 10,500 metres² comprising of rising ground leading to a large relatively level area of ground and dormant buildings. As the site was formally the home to heavy industry and in fact still has a selection of infrastructure in place a Brownfield Site classification can be used.

2.3 **Proposed Development:** Full planning permission is sought for the utilisation of the site as a builder's and haulage contractor's yard with the associated erection of a metal storage shed providing a floor area of some

216m². The shed is proposed to be located at the western section of the site directly in front of and above the access road and finished in blue.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Dalmellington Community Council has not responded to the consultation letter at the time of writing this report.

Noted

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

(i) The applicant will be required to kerb 40m on the northbound approach to the Burnton Burn culvert and widen the C91 road by 1m over this length in order to achieve a straightened approach on to the narrow bridge in the interests of road safety and to reduce the risk of parapet damage by HGV's.

(ii) No loaded HGV's shall use the C91 route from Gateside Road to the site as two of the bridges require structural assessment to current day loading standards. Should the developer require to use Burnton Road for laden HGV's they will be required to contribute to the costs of carrying out the assessment and any remedial works required to the structures otherwise a weight restriction could be imposed by the Council which may affect the operation of the yard.

(iii) East Ayrshire Council reserves the right to recover any extraordinary road/structure maintenance costs which arise as a result of the increased usage of the C91 Burnton Road by the applicant and their vehicles under section 96 of the Roads (Scotland) Act 1984.

(iv) All parking associated with the operation of the yard must be outwith the public road.

The Roads and Transportation Division has noted some concerns regarding the access route to and from the site as the existing public road to the site has no footways and passes over a number of narrow bridges. It has not in recent years (since the mid 1970's) had any sustained heavy vehicle use (and none at today's allowable size/weights). The Division has no objections to the proposal providing there is no detrimental effect on the C91 Burnton Road section of minor road.

3.3 Scottish Water has not responded to the consultation letter at the time of writing this report

Noted.

3.4 Power Systems has not responded to the consultation letter at the time of writing this report

Noted.

3.5 Network Rail has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 The planning application has attracted one third party letter of representation. The main points of objection are summarised as follows:

4.2 This site is within an area of great natural beauty and is popular with walkers and ramblers, many of whom are now commenting on how the site has deteriorated since its recent change of use. Photographs are available demonstrating how much of an eyesore it already is.

During the site visit inspection it is clear that the surrounding natural environment is very attractive and provides a positive attribute to the area. However this is overshadowed by the scale of the application site which has been in a derelict condition for some time now and has been left to deteriorate. Currently a large brick building is in a very poor condition with two large container units located in front of this which is clearly visible when driving towards the site, ultimately having a negative impact on the visual amenity of the area. However this application submitted to reuse this once heavy industrial site, albeit on a much smaller scale (noted in the applicants supporting statement) will allow the site to be restored to a degree and improve the immediate visual environment. It is considered appropriate in this instance, if the Committee are minded to grant consent, that conditions be attached to assist in improving the immediate boundary treatment of the site and to remove the two large temporary structures, in the interests of the visual amenity.

4.3 As the owner of the Craigmark Country Inn which is immediately adjacent to the proposed site and is described by Visit Scotland as a family friendly pub/ restaurant with beer garden, I have serious concerns related to noise pollution and the safety issues associated with heavy vehicular traffic using this quiet, narrow country road.

The Craigmark Inn lies in close proximity to the existing buildings located to the north on the adjacent application site. It occupies ground at a slightly lower level, so ultimately any associated workings within the application site will be very difficult to completely disguise. However as the proposed use is not expected to generate high levels of noise pollution it is not considered that this will be a major issue. Furthermore, as this is a business operation, time constraints can be attached as a condition restricting the operating hours. Reference is made to the resulting impact of vehicular movements on the access road. Again it should be noted that the previous use involved heavy industrial equipment with associated vehicular movements. The applicant has submitted details outlining the proposed vehicular movements to and from the site. It is noted that any one of the applicant's vehicles would access the site only once per day and it can be assumed that these vehicles would be un-laden. The applicant has further clarified that the company own eight HGV vehicles and five light goods vans. The Roads Division have provided a detailed assessment on the proposal and have not formally objected to the increase in vehicular movements subject to the appropriate conditions being met.

4.4 We were one of the first pub/ restaurant to achieve the Eat Scotland Award but this will mean little to my business if customers find it difficult to park near to or even access my premises safely. It can hardly be claimed to be family friendly if customer's children can no longer play safely in the extensive gardens for fear of them straying onto the road which will then be carrying heavy traffic.

As indicated above, the applicant has stated that the level of vehicular movements will be limited and will not include fully laden loads. Children's safety is a very important point, however if children are playing outdoors this should be monitored and restricted unless supervised within the curtilage of the Public House because at present there is nothing preventing large lorries accessing the application site as the access road still remains a public road.

4.5 I applied to Scottish Coal more than three years ago to buy the described site in order to develop it into a camping/caravan site, something that would have brought both employment and an increase in tourist business to the area, but was told that the land was not for sale. This endeavour which has always been something I had hoped to do will never happen if this proposal goes ahead and indeed will probably result in the decline and eventual closure of the Craigmark.

The objector has made reference to an attempt to purchase the application site to provide a camping/caravan site. As this is not a valid planning ground for objection no weight can be given to this issue. However as the application site is a relatively long distance

from any shops/restaurants it may well be the case that if the application is approved more passing trade will be generated in turn boosting the viability of the Craigmark.

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).

Ayrshire Joint Structure Plan

5.2 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

A comprises an acceptable form of residential development as defined by the local plan;

Not applicable.

B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;

It is accepted that the development of the former colliery area would facilitate the relocation and possible expansion of an existing local company employing local labour, thus preserving existing jobs within the Doon Valley. While it is considered that a builder's and haulage contractor's yard may not be generally accepted as a sensitive industrial or business development, the site itself is remote and would bring back a former industrial area into active economic use.

C can be justified in terms of social and economic benefit to the community;

It is considered that there could be some economic benefit to the community through the provision of local employment opportunities.

D contributes to rural land diversification: or

It is not considered that the proposal contributes to rural land diversification. The proposal would be better located in an existing

industrial location. However as the site in its current form is derelict with no present use this proposal can be considered as utilising an existing derelict Brownfield site.

E provides for the operational needs of agriculture and forestry.

The proposal is not associated with the operational needs of agriculture and forestry.

East Ayrshire Local Plan

5.3 Policy SD4 states that within the Rural Diversification Area, development proposals relating to land outwith settlement boundaries will be acceptable to the Council only in three stated circumstances. Only two of these stated circumstances are pertinent to the application, these being where the development:-

(ii) provides for sensitive industrial, business, recreational or tourism development with a site specific locational need; or

It is accepted that the development of the former colliery area would facilitate the relocation and possible expansion of an existing local company employing local labour, thus preserving existing jobs within the Doon Valley. While it is considered that a builder's and haulage contractor's yard may not be generally accepted as a sensitive industrial or business development, the site itself is remote and would bring back a former industrial area into active economic use.

(iii) can be fully justified in terms of social and economic benefit to the community.

Although the applicant has provided no information to specifically justify the development in terms of either social or economic benefit to the community, it is considered that the development of the former colliery area would facilitate the relocation and possible expansion of an existing local company employing local labour, thus preserving existing jobs within the Doon Valley.

5.4 Policy IND6 requires all proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use to be justified against a set of eight separate criteria, as follows:-

(i) locational need;

The applicant has provided no information to justify development in this location. However, see response to policy SD4 (iii) above.

- (ii) availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;

The applicant has provided no information on alternative land/premises in established industrial areas or land identified as part of the marketable industrial land supply. However, the area of land being the subject of the application is a former industrial area and, bearing in mind the remote location of the area, it is considered that the type of development proposed would be acceptable in this particular location.

- (iii) economic benefit;

It is considered that there would be some economic benefit to the area by providing continued employment opportunities for local labour. No specific information to demonstrate such economic benefit has, however, been provided by the applicant in respect of the application.

- (iv) impact on surrounding environment and adjacent uses;

It is considered that the proposal could potentially have a negative impact on its surroundings due to the type of development that is being proposed.

- (v) transportation and infrastructure implications;

The Roads and Transportation Division and other service providers have been contacted direct for advice in this regard.

- (vi) loss of public amenity open space;

Not applicable.

- (vii) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and

The proposal will not result in a loss of prime and good quality agricultural land.

- (viii) impact on natural and built heritage resources.

It is not considered that the development will have any adverse impact on any natural or built heritage resources.

5.5 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to one of five stated types of development. Only one of these stated types of development is pertinent to the application, this being:-

(v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

It is accepted that the development of the former colliery area would facilitate the relocation and possible expansion of an existing local company employing local labour, thus preserving existing jobs within the Doon Valley. While it is considered that a builder's and haulage contractor's yard may not be generally accepted as a sensitive industrial or business development, the site itself is remote and would bring back a former industrial area into active economic use.

5.6 Policy ENV11 states that, within Sensitive Landscape Character Areas, the Council will give priority and prime consideration to the protection and enhancement of the landscape in the consideration of rural development proposals. The policy also states that the Council will not be supportive of any development that would create unacceptable visual intrusion or irreparable damage within these areas. In addition, the policy states that the Council will be supportive of development proposals only where these positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social and economic well-being of communities.

On a site where there had been no previous development, it is considered that such a proposal could potentially create an unacceptable visual intrusion into the area due to its characteristics. However, as stated previously, the proposal represents the reuse of former existing industrial premises and has the scope to be of positive economic benefit to the local community.

5.7 Policy ENV12 states that throughout the rural area, and especially in the Sensitive Landscape Character Areas, the Council will ensure that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area within which they are proposed. Developers will be expected to conserve and enhance, and reinstate or replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned. The policy also states that development which results in the permanent loss of landscape features which are not readily

renewable and whose loss would be unacceptable in landscape terms, will not be supported by the Council.

The erection of the new shed proposed as part of the development would not necessarily respect the area in terms of its design and potentially could have a negative effect on landscape features. However the current derelict condition of the application site could be perceived as having detrimental impact on the adjacent landscape and furthermore the proposed position of the shed allows it to be partially masked by trees and shrubbery.

It is accepted that the development of the former colliery area would facilitate the relocation and possible expansion of an existing local company employing local labour, thus preserving existing jobs within the Doon Valley. It is also considered that while a builder's and haulage contractor's yard may not be generally accepted as a sensitive industrial or business development, the site itself is remote and would bring back a former industrial area into active economic use. It is considered that there are both positive and negative aspects to the proposed development in planning policy terms but that, overall, the benefits of the development will outweigh any negative impacts.

5.8 Therefore the principle of the development is considered to be acceptable in terms of 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 statement of support, the third party representations and the Finalised Ayrshire Joint Structure Plan (2006).

Consultations Responses

6.2 None of the consultation responses received have raised any issues which would indicate that the application should be refused. However appropriate conditions or advisory notes can be attached to any consent granted for the proposed development.

Statement of Support

6.3 The applicant has submitted a statement of support the main points of which are summarised below:

- The company own 8 number HGV Lorries and 5 number Light Goods Vans used within the building and haulage industry employing some 30 persons.
- The operation is presently based at Littlemill Road, Drongan which is being redeveloped for residential use sometime in the near future.
- The former Minnivey Colliery site including the existing workshops and outbuildings have been leased on a long term basis from the Scottish Coal Company.
- It may be assumed that any one of our vehicles would only access the site once per day. With regards to the weight of the vehicles it would only be a very odd occasion a vehicle would enter the site loaded. It therefore may be assumed that all HGV vehicles entering the site will be unladen.
- It has to be noted that the access road to the site – Burnton Road, serves some 90 dwellings, in addition the road also serves opencast traffic to the rear of the Chalmerston site. It is therefore safe to state that there is no substantial increase to the regular volume of traffic using the road for every day use. It is not envisaged that any substantial use of the Burnton Road would result in damage or any pronounced increase in daily vehicular traffic.
- It is impossible to comment on the routes of our vehicles as work commitments vary from day to day. It may also be noted that vehicles working away from Dalmellington may not access the site daily or even one week at a time.

Third Party Representations

6.4 Only one letter of representation has been received outlining a variety of issues resulting from the proposal all of which are related to the possible generation of noise, volume of traffic and safety of patrons using the adjacent public house/restaurant. However, as this site clearly once was the operating centre for large heavy industry, the principle of this scale of development still remains. Furthermore the site in its current form is somewhat of an eyesore which has been left in a poor derelict condition. This application will allow the site to be put to a use and ultimately improved visually. It is considered that with the attachment of appropriate conditions to any consent granted the issues raised with the third party representations can be overcome or at least the impacts dramatically reduced.

Planning History

6.5 The application site and associated buildings have been the subject of four planning applications. Details of these are provided below:

- 78/101: A full planning application for the change of use of coal mine to light industrial buildings was approved on 25th May 1978
- 78/243: A full planning application for the change of use of a disused pit head to be used as training centre for industrial development was approved on 21st November 1978.
- 79/287: A full planning application for the change of use from pit head to industrial unit was approved on 28th February 1980.
- 95/0161: A full planning application for the re-contouring of existing bing was approved on 4th August 1995.

Finalised Draft Ayrshire Joint Structure Plan (2006)

6.6 Policy ECON 14: Rural Diversification states:

The three Ayrshire Councils shall:

A Support the principle of rural diversification, particularly through proposals for small scale renewable energy; forest-based products and industries; leisure, recreation and tourism; non-food crops and local quality food initiatives; appropriate rural housing and small business development; and

B Identify appropriate criteria for the assessment of proposals related to the diversification and growth of existing rural businesses and for the establishment of appropriate new business development in rural areas.

Although located in the rural area, it is considered that the proposal does not contribute to the diversification of rural land and is therefore contrary to the provisions of this policy in this regard. The proposal does, however, represent the relocation of an existing, established local business to a site which has formerly been used for industrial purposes and could be considered acceptable in terms of part B of the policy.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 A full planning application has been submitted for the change of use of an existing Brownfield industrial site to form a builders and contractors haulage yard with the erection of a separate workshop unit and the reuse of the existing brick built buildings. The application site is relative remotely located on the outskirts of the small settlement of Burnton a few miles north from Dalmellington. At present the site is in a poor, untidy, derelict condition which is visible on approach.

8.3 The application is considered to be broadly compliant with the policies outlined within the Development Plan and although a single letter of objection has been made, in which a number of valid points have been raised, it is considered that such issues can be controlled via the imposition of appropriate conditions should the Committee be minded to follow the recommendation of approval.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 because it will not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

RG/RG
26 September 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. Approved Ayrshire Joint Structure Plan (1999).
6. Supporting Statement by applicant.
7. Finalised Draft Ayrshire Joint Structure Plan (2006).

Anyone wishing to inspect the above background papers should contact Mr Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0678/FL

Location	MINNEVY, BURNTON ROAD, DALMELLINGTON
Nature of Proposal:	BUILDERS AND HAULAGE CONTRACTORS YARD AND ERECTION OF STORAGE SHED
Name and Address of Applicant:	ROBERT JOHNSTONE AND SONS LTD UNIT 7 HAMILTON INDUSTRIAL ESTATE STRATHAVEN ML10 6BU
Name and Address of Agent	ARTEC DESIGNS TROON LTD 23 DALLAS PLACE TROON KA10 6JE

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

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

1. There shall be no commencement of the development/operation hereby approved until 40m of the public road C91 on the northbound approach to the Burnton Burn culvert has been kerbed and until the C91 road over this length has been widened by 1m, in order to achieve a straightened approach on to the narrow bridge.

REASON: In the interests of road safety and to reduce the risk of parapet damage by HGV's.

2. No loaded HGV's shall use the C91 route from Gateside Road to the site.

REASON: In the interests of road safety and to ensure the structural stability of existing bridge structures.

3. All parking associated with the operation of the yard shall be outwith the public road.

REASON: In the interests of road safety.

4. The use hereby approved shall not be carried out before 07:00 hours and after 19:00 hours on Mondays to Fridays or before 09:00 hours and after 17:00 hours on Saturdays and at no time on a Sunday.

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

5. Prior to the commencement of any operations all temporary structures on site shall be removed unless further planning consent is granted for their retention.

REASON: In the interests of visual amenity

6. Notwithstanding the submitted plans the southern boundary of the site (as shown in yellow on the docquetted approved plan) shall be defined by a 2m high wooden fence, details of which shall require to be submitted to and agreed by the Planning Authority within 2 months any development work commencing on site.

REASON: In the interests of improving and protecting the visual and residential amenity of the area.

7. All storage of materials within the site shall generally be under cover and the site shall be kept free of any waste materials, scrap materials or vehicle parts to the complete satisfaction of the Planning Authority.

REASON: In the interests of visual amenity.

8. There shall be no burning of materials undertaken on the site.

REASON: In the interests of residential amenity.

Note to Applicant

1. The Roads and Transportation Division has advised that two of the bridges on the access route to the development site require structural assessment to current day loading standards. Should the applicant require to use Burnton Road for laden HGV's there will be a requirement for the developer to contribute to the costs of carrying out the assessment and any remedial works required to the structures otherwise a weight restriction could be imposed by the Council which may affect the operation of the yard. The developer is advised to make early contact with the Council's Roads and Transportation Division on 01563 555337. East Ayrshire Council reserves the right to recover any extraordinary road/structure maintenance costs which arise as a result of the increased usage of the C91 Burnton Road by the developers and their vehicles under section 96 of the Roads (Scotland) Act 1984.

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