

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE:
20 DECEMBER 2002**

**O2/0539/FL: PROPOSED REMOVAL OF CONDITION NO. 2 FROM
PLANNING PERMISSION 00/0277/FL – 16 OCTOBER 2000 AT
9 STANDALANE, STEWARTON BY MR GEORGE BROWN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the removal of Condition 2 of Planning Consent Ref. 00/0277/FL which states:

“Prior to the occupation of the building hereby approved the turning head, as detailed in the amended site plan, shall require to be completed. Details of the finishing of the said turning head shall be submitted to and approved by the Planning Authority before occupation of the building.”

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 is indicated at paragraph 5.2 of the report, the application is considered to be contrary to the terms of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application, however these too indicate that the application should be refused.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee for consideration as it would be a significant departure from policy.

Alan Neish
Head of Planning and Building Control

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 and Building Control

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 because it is subject to an objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to a turning head at an industrial workshop at 9 Standalane, Stewarton for which planning consent was granted on 16 October 2000. The site where the turning head is to be located is in a yard opposite the aforementioned property. The site is located in a cul-de-sac which serves the garages owned by the applicant at 6 and 9 Standalane, the industrial unit owned by "Filtronic Centre" and East Ayrshire Council's Community Hall.

2.2 **Proposed Development:** Full planning permission is sought for the removal of Condition 2 of Planning Consent Ref. 00/0277/FL which states:

"Prior to the occupation of the building hereby approved the turning head, as detailed in the amended site plan, shall require to be completed. Details of the finishing of the said turning head shall be submitted to and approved by the Planning Authority before occupation of the building."

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has objected to the proposal as an alternative turning head to that required under the previous consent has not been submitted.

The application should be refused on the recommendation of the Roads and Transportation Division.

3.2 Stewarton Community Council has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 One objection has been received from East Ayrshire Council's Roads and Transportation Division (See Section 3 above). No other representations have been submitted in relation to this application.

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 Stewarton Local Plan which was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Policy 4.2.5 (2) of the Adopted Local Plan sets out the criteria where industrial development (or extensions to existing industrial activities) outwith areas identified on the proposals map for industries use, is acceptable.

It is not considered that the proposed development meets the requirements of this policy as the criteria do not permit development where local roads or services will be overburdened as a result of the activities.

The response from the Roads and Transportation Division confirms this view as it is not acceptable in terms of road safety.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the Council's Design Guidance and the objection detailed above.

6.2 The Adopted Local Plan is considerably out of date and it is therefore considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 Policy IND 6 (v) of the East Ayrshire Local Plan (Finalised Version with Modifications) is of relevance as all proposals for new industrial or business development on land not specifically identified for such purposes on the local plan map require to be justified against transportation and infrastructure implications.

The Roads and Transportation Division have objected to the proposals on road safety grounds.

Consultation Replies

6.4 The consultation reply received from the Council's Roads and Transportation Division indicates that approval of the application would not be appropriate on grounds of road safety.

Planning History

6.5 Planning Application 00/0277/FL is relevant in the determination of this application. This application was for the erection of a workshop. East Ayrshire Council's Roads and Transportation Division originally recommended refusal of this application as:-

“the site did not have sufficient space to form an adequate commercial turning area and permit the erection of the desired building”

An alternative proposal was submitted after discussion between the applicant and the Roads and Transportation Division whereby land opposite the development site, within the ownership of the applicant, was to be utilised for the provision of a turning head. The condition referred to in Section 2.2 above was attached to the consent to ensure that the requirements of the Roads Division could be met.

7. FINANCIAL OR LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As is indicated at paragraph 5.2 of the report, the application is considered to be contrary to the terms of the Adopted Local Plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of the application, however these too indicate that the application should be refused.

9. RECOMMENDATION

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

CONTRARY DECISION

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will require to be referred to the Development Services Committee for consideration as it would be a significant departure from policy.

Alan Neish
Head of Planning and Building Control

27 November 2002 (SMcA/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Planning Application 00/0207/FL.
5. East Ayrshire Council Design Guidance (2001).
6. Adopted Stewarton Local Plan.
7. East Ayrshire Council Local Plan (Finalised Version with Modifications).
8. Approved Strathclyde Structure Plan.
9. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Stuart McAdam on (01563) 576759.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0539/FL

Site of Proposal: 9 Standalane
STEWARTON

Nature of Proposal: Proposed Removal of Condition No 2 from
Planning Permission 00/0277/FL: Provision
Of Turning Head

Name & Address of Applicant: Mr George Brown
9 Standalane
STEWARTON
KA3 5BG

Name & Address of Agent: Grant Murray
30 Bell Street
GLASGOW
G1 1LG

DPOs Reference: SMcA/SA

The above FULL application should be refused on the following grounds:

- (1) The removal of the condition is contrary to the provisions of Policy 4.2.5 of the Adopted Stewarton Local Plan because it would lead to an overburdening of the existing road network to the detriment of road safety.
- (2) The removal of the condition is contrary to the provisions of policy IND 6 (v) of the East Ayrshire Local Plan Finalised Version with Modifications because, when justified against its transportation and infrastructure implications, it does not meet the requirements of East Ayrshire Council's Roads and Transportation Division by reason of not allowing for sufficient space to form an adequate and safe commercial turning area.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**