

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 27 APRIL 2001

**01/0145/FL : PROPOSED ERECTION OF LIGHT INDUSTRIAL UNITS AT
THE TOLL YARD, LITTLEMILL ROAD, DRONGAN
FOR MR IAN SHENNAN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of four light industrial units along the southern boundary of the site. The applicant proposes to externally finish the units with white painted smooth cement render on the lower walls and grey profiled sheeting on the upper walls and roof. Twenty four car parking spaces for visitors and staff are proposed to be provided towards the centre of the site. It is proposed that the existing access to the site will continue to be used for vehicular and pedestrian access to the development. The applicant has stated that the northern part of the site is to be laid aside for future light industrial redevelopment, subject to a future planning application.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 of the report, the application is considered to be (generally) in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 paragraphs 6.1 to 6.4 in the report, there are material considerations relevant to this application, however, it is considered that these are also generally supportive of the application.

3.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. As has been noted in the report, the proposal is contrary to the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 Nevertheless, it is considered that the loss of the site (which has a capacity of approximately 10 dwellinghouses) to industrial use will not have any adverse effect on housing land supply to an extent that would justify a refusal of the application. The proposal is also considered to be of benefit to the community in terms of economic and employment terms.

3.4 It is therefore recommended that an exception to policy be made and that the application be approved. The application is, in the circumstances of the case, not considered to be a significant departure from policy and the application would not require to be referred to the Development Services Committee for consideration, should the Committee be minded to approve the application.

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 as the application is recommended for approval whilst representing a minor departure from policy.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site which measures 0.25 hectares in area, comprises a previously developed brownfield site immediately adjacent to the B730 at the northern end of Drongan. The site is presently vacant, and is littered with heaps of soil and aggregates. It is accessed via an existing access from the B730. A grass verge planted with young trees lies between the site and the road.

2.2 **Proposed Development**: Full planning permission is sought for the erection of four light industrial units along the southern boundary of the site. The applicant proposes to externally finish the units with white painted smooth cement render on the lower walls and grey profiled sheeting on the upper walls and roof. Twenty four car parking spaces for visitors and staff are proposed to be provided towards the centre of the site. It is proposed that the existing access to the site will continue to be used for vehicular and pedestrian access to the development. The applicant has stated that the northern part of the site is to be laid aside for future light industrial redevelopment, subject to a future planning application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to the inclusion of conditions on any planning permission in respect of visibility splays, the standard and construction of the internal access roads and the provision of car parking.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission.

3.2 East Ayrshire Council's Economic Development Division has stated that it welcomes the use of the site for light industrial purposes.

Noted.

3.3 East Ayrshire Council's Department of Community Services has no objection to the proposal.

Noted.

3.4 The West of Scotland Water Authority has no objection to the proposal provided any septic tank is sited in such a manner as to allow easy emptying by tanker.

Should the application be approved, an appropriate condition in respect of the above can be included on the planning permission.

3.5 The Scottish Environment Protection Agency has no objection to the proposal provided the septic tank and soakaway are designed to meet with the current code of practice.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.6 Scottish Power has no objection to the proposal provided its plant is safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.7 The Coal Authority states that the property lies within the likely zone of influence on the surface from workings in two seams of coal last worked in 1947 and that reserves of coal exist in the locality which may be worked at sometime in the future. It also states that two mine entries lie within 20 metres of the site.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.8 Drongan Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted Mauchline-Drongan-Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site is identified for industry and environmental improvement. Policy IND1 of the Mauchline-Drongan-Ochiltree Local Plan states:-

The establishment of new, small scale industrial development within areas identified for industrial purposes on the Local Plan proposals map will be encouraged.

It is considered that the proposal complies with the above designation and with Policy IND1 of the Mauchline-Drongan-Ochiltree Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) and the site's planning history.

6.2 The Adopted Local Plan is considerably out of date and therefore it is 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.

6.3 The site forms part of a larger site which is identified for residential purposes in the EALP. Policy RES1 of the East Ayrshire Local Plan (Finalised Version with Modifications) states that:-

The Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps. The sites identified will be reserved for residential and associated recreational and amenity open space development.

The proposed development is contrary to the above designation and to the provisions of Policy RES1. However, within Drongan, sites for a total of 127 houses have been allocated through the EALP to meet local needs within the plan period. This allocation

is considered to be in excess of what is required to meet demand at current completion rates. Consequently, it is considered that the loss of the application site, with a capacity for approximately 10 dwellinghouses to industrial use will not have any adverse effect on overall housing land supply for the settlement for the period of the Local Plan. Furthermore, as noted above, the proposal has been welcomed by the Economic Development Section and it is considered that the development of the site for an industrial use would be of benefit to the community in economic and employment terms. For those reasons, it is considered that an exception to Policy RES1 is appropriate.

6.4 The site has been the subject of previous applications for planning permission.

- CD/91/43 : Planning permission for the formation of builder's merchants and erection of temporary accommodation, was granted on 5 March 1991.

This consent was implemented. However, the use has now ceased. Nevertheless, landscaping associated with that development is still present on the grass verge, adjacent to the B730.

- CD/95/0211/DPP : Outline planning permission for residential development was granted on 13 November 1995.

This consent was not implemented and has now lapsed.

6.5 It is considered appropriate to require the applicant to provide some additional landscaping (in addition to that provided under the previous planning permission, CD/91/43) to soften the appearance of the industrial units when viewed from the B730.

Should the application be approved, a condition requiring the applicant to provide landscaping can be included on the planning permission.

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 is indicated at paragraph 5.2 above, the application is considered to be (generally) in accordance with the development plan. Therefore, given the terms of Sections 25 and 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 paragraphs 6.1 to 6.4 above, there are material considerations relevant to this application, however, it is considered that these are also generally supportive of the application.

8.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. As has been noted above, the proposal is contrary to the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 Nevertheless, it is considered that the loss of the site (which has a capacity of approximately 10 dwellinghouses) to industrial use will not have any adverse effect on housing land supply to an extent that would justify a refusal of the application. The proposal is also considered to be of benefit to the community in terms of economic and employment terms.

8.4 It is therefore recommended that an exception to policy be made and that the application be approved. The application is, in the circumstances of the case, not considered to be a significant departure from policy and the application would not require to be referred to the Development Services Committee for consideration, should the Committee be minded to approve the application.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
30 March 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans
2. Consultation responses
3. East Ayrshire Local Plan (Finalised Version with Modifications)
4. Adopted Mauchline-Drongan-Ochiltree Local Plan
5. Planning applications CD/91/43 and CD/95/0211DPP

Location	The Toll Yard, Littlemill Road DRONGAN KA6 7BT
Nature of Proposal:	Proposed erection of light industrial units
Name and Address of Applicant:	Mr Ian Shennan 38 Lane Crescent DRONGAN KA6 7AF
Name and Address of Agent	

DPO's Ref: [DEREK SCOTT]
PPO's Ref; []

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

1. The light industrial units hereby approved, shall be used only for the purposes defined by Classes 4 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order1997

REASON – In the interests of amenity.

2. Notwithstanding the provisions of Condition 1 above, no storage of materials or articles shall take place on the site outwith any building.

REASON – In the interest of visual amenity.

3. No materials shall be burned on the site at any time.

REASON – In the interest of amenity and public safety.

4. Prior to the occupation of the light industrial units, the tree indicated in green on the approved plan shall be repositioned (or, in the event that it does not survive, shall be replaced with a tree of the same species), in the location indicated in blue.

REASON – In the interests of visual amenity and to ensure that adequate visibility can be achieved in the interests of public road safety.

5. Notwithstanding the provisions of Condition 4 above and prior to the occupation of the light industrial units, visibility splay areas shall be formed and thereafter maintained such that there shall be no obstruction to visibility over 1 metre in height within a visibility splay of 2.5 metres by 90 metres at the access to the site from the B730.

REASON – To ensure that adequate visibility can be provided in the interests of public road safety.

6. The internal access road shall be suitably surfaced to ensure that no surface water discharges or loose material is carried out onto the public road.

REASON – In the interests of public road safety.

7. Prior to the occupation of the light industrial units, the visitor and staff car parking shall be provided and thereafter maintained as indicated on the approved plan.

REASON – To ensure that adequate car parking is provided in the interests of public road safety.

8. Notwithstanding any specification on the approved plans or application form, and prior to the occupation of the light industrial units, a turning area shall be provided within the site.

REASON – To ensure that service, delivery and other goods vehicles access and egress the site in a forward gear only in the interests of public road safety.

9. Any access gates shall open inwards only, away from the public road.

REASON – In the interests of public road safety.

10. Any loading or unloading of vehicles which may be required in connection with the use of the site shall take place only within the curtilage of the site.

REASON – In the interest of public road safety.

11. A landscaping scheme including details of its subsequent maintenance, shall be submitted to and approved by the Planning Authority before the commencement of any development on the site. The landscaping shall be implemented not later than the next available planting season after the development has been carried out. The landscaping shall be maintained in accordance with the approved maintenance regime at all times thereafter.

REASON – To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interests of residential and visual amenity.

12. Notwithstanding any specification on the approved plans or application form and before any work is commenced on site, samples of all external construction materials to be used shall be submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

13. Notwithstanding any specification on the approved plans or application form, any septic tank to be provided to serve the development shall be sited in such a position as will enable it to be emptied by tanker.

REASON – In the interests of public safety.

NOTES

1. The applicant is advised to contact the West of Scotland Water Authority, 35 Glenburn Road, Prestwick KA9 2NS, with regard to water and drainage provision.
2. The applicant is advised to contact Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage provision.
3. All drainage shall comply with the requirements of the West of Scotland Water Authority and the Scottish Environment Protection Agency.
4. The applicant is advised to contact the Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire NG18 4RG, with regard to minerals within the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA