



**COUNCIL EXECUTIVE**

**DRAFT PLANNING BRIEF – ELv39 ROSEBANK (EAST), LIVINGSTON**

**REPORT BY PLANNING SERVICES MANAGER**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise Council Executive of the terms of a draft planning brief for a site at Rosebank (East), Kirkton Campus, Livingston. A copy of the draft brief is attached.

**B. RECOMMENDATION**

It is recommended Council Executive:

1. approve the draft planning brief; and
2. note that if the site is marketed, the brief will form part of the marketing particulars for the site.

**C. SUMMARY OF IMPLICATIONS**

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| <b>I Council Values</b>   | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership.   |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p>The site is identified for development in the West Lothian Local Plan as a site for high amenity business use (Use class 4 and 5). The council adopted the local plan on 13 January 2009.</p> <p>There are no SEA, equality, health or risk assessment issues associated with the planning brief.</p> |
| <b>III Resources - (Financial, Staffing and Property)</b>   | The disposal of the site will generate a capital receipt to support the council's capital programme.   |
| <b>IV Consultations</b>   | NETS and Land Services, Transportation and Finance and Estates Services were consulted in the preparation of the brief and support the recommendation.   |

Local members and adjoining proprietors were also consulted, in this instance No's. 1 and 2 Rosebank Cottages, as adjoining properties.

The site falls within the Livingston Village Community Council boundary however currently, there is no active community council covering this area, hence no community council consultation has been possible.

This report was considered at the Development and Transport Policy Development and Scrutiny Panel on 09 December 2010 and the panel supported the recommendation.

#### **D. TERMS OF REPORT**

The site is located within the high amenity Kirkton Campus area, opposite Alba Campus. It is bounded to the north, west and east by mature woodland, and to the south by the B7015 Rosebank/Gavieside road. The Killandean Burn greenway is located to the north and to the west is the Rosebank Park site which has been partially developed with low-rise office buildings. There are two residential properties (Rosebank Cottages) located to the immediate south east of the site. The site comprises part of the former Livingston Development Corporation's horticultural nursery, based around Rosebank House.

Under the terms of the adopted West Lothian Local Plan, the site is allocated for high amenity business uses falling within Use Classes 4 & 5. The draft brief proposes that appropriate ancillary uses such as hotel/bar/restaurant/leisure may be permitted on the former Rosebank House frontage site and that Class 2 uses (financial, professional and other services) may also be considered for individual plots.

Any uses other than use classes 4 and 5 will require to be considered under Policy EM6 of the WLLP which requires a clear justification for any use other than use class 4 and 5 and sets out specific criterion which any alternative uses being proposed must meet.

The brief is intended to guide the development of the site and identify key design, environmental and infrastructural requirements of the council. As is standard practice with planning briefs, it has been the subject of consultation with interested parties. The consultation period ended on 9 July 2010.

Local members were consulted on the brief prior to a wider consultation being carried out. One response was received confirming support for the brief.

There is no active community council for the area, therefore no consultation on this brief has been possible.

One proprietor at Rosebank Cottages objected to the brief (copy letter attached). The objections made and responses are as follows:-

Objector's concerns - There is no housing in the area with easy access to the proposed uses. Access would be by car with all the noise and danger of drink driving. Every year 2-3 cars end up in the fire ponds across from objector's house.

Council's response – Any proposed use other than a use within classes 4 and 5 will require to be justified against Policy EM6 in the WLLP. Policy EM6 (c) states that it must be demonstrated that the proposed use would cause no traffic, amenity or environmental problems. Any proposals for licensed premises would require to be assessed against this policy.

Objector's concerns – Loud music would be played throughout the night and into the small hours of the morning if a late licence were granted. The area is very quiet at night and the sound would carry to the objector's home. Also concerned about anti-social behaviour taking place outwith the premises.

Council's response – In terms of the concerns over noise levels, the brief states that the Supplementary Planning Guidance on noise issues must be considered as part of any proposal in order to address noise issues and mitigation measures. Any potential noise generating uses would also be dealt with at planning application stage with appropriate measures for noise mitigation being considered. In addition any proposed use would require to be assessed against Policy EM6 in the WLLP.

Objector's concerns – The removal of the boundary fence would leave the site open and readily accessible to travellers who are constantly in Kirkton Campus and park in and around Kirkton Campus throughout the year. The objector states that to their knowledge, five different sites were occupied in the first half of 2010. Removing the boundary fence would create one more open space, more confrontation, more mess and higher costs.

Council's response – The potential for unauthorised use of the site should the boundary fence be removed is not a planning issue however Finance and Estates Services has been made aware of this concern.

Objector's concerns – There are numerous empty units in Kirkton Campus and there is undeveloped space with roadways already in place at Rosebank Park. There are numerous advertisements of office space for rent or lease. Existing empty property needs to be refurbished, cleaned up and utilised before more new unoccupied buildings are left abandoned.

Council's response - The site has been declared surplus and inclusion of the site in the adopted Local Plan indicates that the council is minded to dispose of the site at some future date. Finance and Estates Services has, in the meantime, advised that there are no immediate plans to market the site, the purpose of the brief at this stage is to allow for the site to come forward quickly should the council decide at some future date to move forward on marketing.

One final point to note is that the building (Rosebank House) has been subject to recent vandalism and theft. In light of this and given that there are no immediate plans to market the site; Finance and Estates Services is considering the demolition of this property. The brief as drafted, does allow for this to take place subject to a full survey report being undertaken.

## **E. CONCLUSION**

The draft planning brief allows for the development of the site for high amenity business use within use classes 4 & 5. Class 2 uses may also be considered subject to assessment against Policy EM6 in the WLLP. The Rosebank House plot may also be considered for appropriate ancillary uses including hotel/bar/restaurant and leisure uses. Again any alternative uses would be subject to assessment for suitability against Policy EM6 in the WLLP.

The brief acts as a guide to potential purchasers and will be used in formal marketing of the site at some future date. Members are asked to approve the contents of the brief.

Appendices/Attachments: Three: draft planning brief, location plan and objection letter.

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Date: 11 January 2011