

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 04 MARCH 2005

**04/0893/OL: PROPOSED RESIDENTIAL DEVELOPMENT
AT FORMER RIVERBANK HOSIERY, IRVINE ROAD, CROSSHOUSE
BY REPAIR PORT LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning consent is sought to develop the site for residential purposes. No further details have been provided although the applicant's agent has advised that consent is sought for detached dwellinghouses.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The proposed development is considered acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed development will remove a vacant and derelict site, which will help to improve the visual amenity of the area. It is considered that an exception to Policies RES 13 and RES 17 of the Adopted EALP is appropriate in this instance due to the vacant unsightly nature of the site and the surrounding residential nature of the area. Furthermore the development of this site will provide a more defensible settlement boundary and will provide a more regular shaped development site. Details regarding the design, layout and access to the proposed development will be dealt with at the reserved matters stage.

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 as there would be no significant breach of Council policy.

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 it represents a minor departure from the development plan.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to an area of land to the rear of properties at the junction of Irvine Road and Kilmaurs Road that was previously occupied by Riverbank Hosiery. The site extends to some 0.28 hectares and is located to the north of commercial and restaurant premises. The site has vehicular access from both Irvine Road and Kilmaurs Road. It is bound to the north by agricultural land, to the south by properties on Irvine Road and Irvine Road itself, to the east by residential and commercial properties on Kilmaurs Road and by Kilmaurs Road and to the west by agricultural land and other properties on Irvine Road. The site is located on a higher level than the existing properties on Irvine Road.

2.2 **Proposed Development:** Outline planning consent is sought to develop the site for residential purposes. No further details have been provided although the applicant's agent has advised that consent is sought for detached dwellinghouses.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Crosshouse Community Council, Scottish Water, East Ayrshire Council Outdoor Amenities have no objections to the proposed development.

Noted.

3.2 East Ayrshire Council's Environmental Health and Waste Management Section advise the following:

- All noisy construction work shall be limited to 7.00 am - 7.00 pm Monday to Friday, 8.00 am - 1.00 pm on Saturdays and no noisy construction work on Sundays.
- Waste materials shall be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.
- The development should provide for an area for siting re-cycling bins and advice for the Cleansing Service should be sought.
- Consideration should be given to assessing the area for contaminated land issues.

Noted. It is considered that all the above matters can be addressed by either condition or by advisory note should Members choose to grant consent. As regards construction hours, and in the interests of clarity, it would be more appropriate to simply confine construction activity of any sort to specified hours.

3.3 Transco have not replied to their consultation letter at the time of writing this report.

Noted.

3.4 East Ayrshire Council's Roads and Transportation Division have replied as follows:-

Flooding

Although Kilmaurs Road has been known to flood on previous occasions, the development site being higher, is outwith any potential inundation level and there are no objections in principle in relation to flooding.

Access

A sightline standard of $x = 2.5$ metres and $y = 90$ metres is required at the junction onto the public road. The specification for the access to the site will require to be confirmed with the Council's Roads & Transportation Division.

The requirements of the Roads Division with regard to access and sightlines can be addressed by attaching conditions to any grant of planning permission.

4. REPRESENTATIONS

4.1 No letters of objection have been received to the proposed development.

4.2 One letter of support has been received from Annandale Chemists who advise that new developments are always welcome to small businesses within the village and help sustain services in the locality. They continue that, it would also be desirable to develop on this otherwise redundant piece of land which would certainly improve the outlook to that particular corner of the village.

Noted.

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, (EALP)(2003).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 The northernmost portion of the site lies outwith the settlement boundary as defined in the EALP. Accordingly the proposal requires to be assessed against Policy G5 of the AJSP. This Policy states that development in the Rural Protection Area shall normally be limited to the use of land within settlements. Where this is not the case, development proposals shall conform to the Structure Plan only where the development:-

- (a) has demonstrated site specific locational need;
- (b) can be justified in terms of social and economic benefit to the community;
- (c) contributes to rural land diversification;
- (d) provides for the operational needs of agriculture and forestry.

The proposed development is contrary to points A, C and D above as it is not relating to rural land diversification nor does it provide for the operational needs of agriculture and forestry. The applicant has not submitted any justification demonstrating a site specific locational need.

In respect of point b the proposed development could be to the benefit of the local community by bringing a small vacant area of land back into use. It also provides a more defensible and cohesive boundary to the settlement of Crosshouse.

East Ayrshire Local Plan (EALP)

5.3 Policies RES 4 and RES 13 of the EALP are also relevant and relate respectively to residential development in settlement boundaries and within the Rural Protection Area. Policy RES 4 states that within settlement boundaries the Council will positively encourage the sympathetic residential development of gap, infill or other re-development sites including those sites not specifically safeguarded or identified for particular development purposes on local plan maps. Developments will be assessed against a set of 4 stated criteria as follows:-

- (a) impact on the surrounding natural and built environment and adjacent uses;
- (b) transportation infrastructure implications;
- (c) compatibility with surrounding densities and housing types;
- (d) compliance with Council's Development Promotion and Design Guidance.

Approximately two thirds of the site lie within the settlement boundary. It is not considered that the proposed residential development will have any adverse impact on the surrounding natural and built environment and adjacent uses which are also primarily residential. As detailed in Section 3 of this report, the statutory consultees have no objections to the proposal and as the application is in outline, no detailed layout has been provided. The housing type and housing density of the development will be determined at the detailed stage. However, it is considered appropriate that the proposed dwellinghouses should be single storey in height due to the topography of the site and therefore a limited number of houses, probably no more than three dwellinghouses, would be acceptable due to this restriction in height and the size of the site. The proposed development complies with Policy RES 4.

5.4 Policy RES 13 is supportive of residential development in the Rural Protection Area only where it can be demonstrated that the houses are required on a permanent basis for one of four stated criteria:-

- i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES 8 above.

The Policy also states that developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support. The policy further enables the Council to request applicants for the categories of residential development detailed in the Policy, to justify their proposals through the submission of detailed supporting information.

The proposed development cannot be accommodated under the provisions of Policy RES 13 and therefore does not comply with this policy.

5.5 Policy RES 17 states that residential development in the countryside will not be permitted in nine, stated circumstances. Item 4 is relevant which relates to development that would constitute an inappropriate extension of development within the countryside from existing settlement boundaries.

The inclusion of the portion of the site lying outwith the settlement boundary will result in a more regular shaped development site which lends itself better to development than if the area were to be excluded. In this instance, it is considered that an extension to the settlement boundary would be appropriate and would in the future be a more defensible settlement boundary. The inclusion of this part of the site within the application will not result in a significant breach in the Rural Protection policies of the Adopted EALP.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principle material considerations relevant to the determination of this application are the consultation responses and letter of support which are detailed in Sections 3 and 4 of this report.

Consultation Responses

6.2 It is not considered that any issues raised relative to the consultation responses indicate that the application should be refused.

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 Section 5 of the report, the application is not 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 refused unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report and they are generally supportive of the proposal. The proposed development is considered acceptable in principle and it is not considered that it will detrimentally affect surrounding properties in terms of amenity or road safety. The proposed development will remove a vacant and derelict site, which will help to improve the visual amenity of the area. It is considered that an exception to Policies RES 13 and RES 17 of the Adopted EALP is appropriate in this instance due to the vacant unsightly nature of the site and the surrounding residential nature of the area. Furthermore the development of this site will provide a more defensible settlement boundary and will provide a more regular shaped development site. Details regarding the design, layout and access to the proposed development will be dealt with at the reserved matters stage.

9. RECOMMENDATION

9.1 **It is recommended that the application be approved subject to the conditions indicated 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 as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

24 February 2005
(FMF/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Letter of Support.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576798.

Implementation Officer: Dave Morris

04/0893/OL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0893/OL

Site of Proposal:	Site of Former Riverbank Hosiery Irvine Road Crosshouse KILMARNOCK
Nature of Proposal:	Proposed Erection of 5 No. Dwellinghouses
Name & Address of Applicant:	Repair Port Ltd High Burnhouse Sorn Road GALSTON KA4 8LJ
Name & Address of Agent:	Pryce Architecture & Construction Consultants 8 Grougar Road Crookedholm KILMARNOCK KA3 6LA

DPOs Reference: FMF/MMM

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved.

- (i) The layout of the site;
- (ii) The size, height, design and external appearance of the proposed residential properties;
- (iii) The means of drainage and sewage disposal;
- (iv) Details of the access arrangements;
- (v) The provision for open space;
- (vi) The provision for car parking;
- (v) The boundary walls/fences to be erected;
- (vi) The landscaping of the site;

- (vii) Existing and proposed site levels and existing and proposed finished floor levels.

REASON The approval is in outline only.

2. Details to be submitted under Condition 1(i) and (ii) shall ensure that the development takes cognisance of the storage needs of a 3-bin re-cycling system.

REASON To ensure that adequate waste storage and disposal facilities exist in the interests of the amenity of the area and Council Waste Management Policies.

3. During construction, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety and residential amenity.

4. Details to be submitted under Condition 1(iv) above shall include sightlines of 2.5 metres x 90 metres free from all obstruction greater than 1 metre in height, to be provided at all access points from the site onto public roads.

REASON In the interests of road safety.

5. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

6. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Fridays, 08:00 hrs. to 13.00 hrs. on a Saturday nor at any time on a Sunday.

REASON In the interests of residential amenity.

7. No development shall begin on site with the exception of site investigative works until a scheme to deal with the contamination arising from the long term usage of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- 1) The nature, extent and type(s) of contamination on the site;
- 2) A site specific risk assessment of all relevant pollutant linkages;

- 3) Remediation measures to treat/remove contamination to ensure the site is fit for the use proposed;
- 4) Measures to deal with unsuspected contamination discovered during construction works;
- 5) Condition of the site on completion of de-contamination measures;
- 6) Details of measures to remove all pipes, interceptor and underground storage tanks on site as a result of the petrol filling station use and remedial measures to fill the ground levels facing their removal.

REASON In the interests of public safety.

8. Before any residential unit is occupied the measures to de-contaminate the site shall be fully implemented as approved by the Planning Authority.

REASON In the interests of residential amenity and public safety.

9. On completion of the remedial works approved under the terms of Condition 8 above, and prior to any of the residential units being occupied, the developer shall submit a report which will be approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

REASON To provide verification that remediation of contamination has been carried out in accordance with the remediation plan.

10. Notwithstanding the approved plans, there shall be no vehicular access from the application site onto Irvine Road, Crosshouse, unless with the prior written consent of the Planning Authority. The further details to be submitted under the terms of Condition 1 above, shall include satisfactory measures to ensure the closure of this access and the surface treatment of same. The approved details shall be implemented on site prior to any construction or site preparation work commencing onsite.

REASON In the interests of road safety.

11. All site construction traffic shall enter and leave the site using the access/egress from Kilmaurs Road, Crosshouse.

REASON In the interests of road safety.

12. The further details to be submitted under the terms of Condition 1 should provide for vehicular and pedestrian access to the site from Kilmaurs Road. The access shall be formed to a junction standard to the satisfaction of the Planning Authority.

REASON In the interests of road safety.

13. The access/egress at Kilmaurs Road shall have sightlines of $x = 2.5$ metres by $y = 90$ metres.

REASON In the interests of road safety.

14. Details to be submitted under Condition 1 (ii) above shall allow for dwellinghouses of no more than single storey in height with windows being orientated so as to preclude loss of residential amenity by reason of overlooking.

REASON In the interests of the visual and residential amenity of the area.

NOTES

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

2. The applicant should ensure that prior to development commencing on site, they have secured agreement from Scottish Water regarding the suitability of all proposed drainage connections and the suitability of the existing infrastructure to accommodate such connection.

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