

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 13 OCTOBER 2006

**06/0649/OL: RESIDENTIAL DEVELOPMENT IN OUTLINE
AT SITE OFF B7081
AT THORNTOUN ESTATE, CROSSHOUSE
BY BRAEHEAD FOODS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an outline application for residential development. The applicant has indicated that 10 residential units would be constructed. There are no other details of the layout or design of the dwellings and no detail of access/egress arrangements which would have to be submitted at the reserved matters stage.

2. RECOMMENDATION

2.1 The application should be refused for the reasons indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated in Section 6 of the report, the application is not in accordance with the Ayrshire Joint Structure Plan - Approved Version, Ayrshire Joint Structure Plan - New Finalised Version and the East Ayrshire Local Plan. Therefore given the terms of Section 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 other material considerations relevant to this application as indicated in Section 6 of the report. The proposed development conflicts with the structure plan policies and those of the EALP. The proposal involves housing in the countryside outwith the settlement boundary and it is not within a designated housing site. Although the applicant has provided a justification, it is not considered acceptable in terms of the criteria of Policy RES 13 nor does it have sufficient weight to require an exception to policy.

3.3 The expansion of a business on a different site cannot justify the approval of housing in a policy context on a totally separate site outwith the settlement boundary. Furthermore, the development would constitute an inappropriate extension into the countryside and constitute ribboning of development along the public road. Any houses located within the

application site would be unduly visually prominent as the site is on one of the main approach roads to Crosshouse.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee as it would be a 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 application which is to be considered by the Local Planning Committee under the scheme of delegation as it involves ten houses and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is agricultural land which extends to approximately 0.57 ha. The site is outwith the settlement boundary and lies to the north of the B7051 between Crosshouse and Springside. The land lies immediately adjacent to the roadway and is bounded by agricultural land.

2.2 **Proposed Development:** This is an outline application for residential development. The applicant has indicated that 10 residential units would be constructed. There are no other details of the layout or design of the dwellings and no detail of access/egress arrangements which would have to be submitted at the reserved matters stage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Environment Protection Agency (SEPA) have no objections to the proposal on the understanding that the foul drainage at the site is connected to the public sewer and the treatment of surface water is in accordance with the principles of SUDS.

The requirements of SEPA with regard to foul drainage connection to the public sewer, together with SUDS details could be addressed by attaching a condition and notes to any grant of consent.

3.2 East Ayrshire Council's Roads and Transportation Division have no objections provided the development is accessed from a single road junction and there is no direct access from individual dwellings permitted onto B7081. The sightline standard for the new road junction shall be 2.5 m by 215 m and the new access road shall be to an adoptable road standard with a minimum width of 5.5 metres with standard turning heads at both ends of the road. Other matters such as parking provision are reserved until full details are available.

The requirements of the Roads Division with regard to a single access point and the width of the access road could be addressed at the detailed stage by attaching conditions to any grant of outline consent. The required sightlines fall outwith the application site and would require to be addressed by a Legal Agreement.

3.3 Crosshouse Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.4 Scottish Power have no objection to the proposal in principle however they have underground apparatus within the area of the proposal.

Noted.

3.5 West of Scotland Archaeology Services, Scottish Gas Networks and Scottish Water have not raised any adverse comments about the proposed development.

Noted.

3.6 East Ayrshire Council's Economic Development and Property Division would strongly support the approval of the planning application as its ultimate aim is to generate funds which will be invested in the development of a significant and growing business. They support the company in its aspirations to re-locate to new, better located and more suitable business premises.

Capital gained from the sale of the land would go directly into investment in the business and specifically into expansion of premises. They are sure that the applicant would be prepared to enter into an agreement with the Planning Authority which would ensure that verification be provided which would demonstrate that the capital gain from the land sale was directly invested into the company.

The support of the Economic Development Division is noted, however the expansion of a business or business premises at one site cannot carry significant weight in the determination of an application for housing on another site.

4. REPRESENTATIONS

4.1 There are no third party objections to the proposed development.

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 the application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan (AJSP) Approved Version

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

A has a demonstrated site specific locational need;

There is no demonstrated site specific locational need for this site to be located within the Rural Protection Area.

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

Housing at this site cannot be justified in terms of social and economic benefit to the community.

C contributes to rural land diversification; or

Housing does not contribute to rural land diversification.

D provides for the operational needs of agriculture and forestry.

No justification has been submitted to state that the proposed housing will provide for the operational needs of agriculture and forestry.

The proposal does not meet with any of the above four criteria and is therefore contrary to Policy G5.

Ayrshire Joint Structure Plan new Finalised Version

5.3 COMM 5 states that throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the re-use and re-development of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the

development of housing to meet the operational requirements of agriculture and other rural businesses.

The three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

The proposal does not fall under any of the above types of housing development and is therefore contrary to Policy COMM 5.

East Ayrshire Local Plan

5.4 Policy RES 13 is supportive of residential development of houses 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 purposes.

- 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.

Whilst the applicant has provided a justification for the proposed development (Section 6.2 of the report) it cannot be accommodated within the criteria of Policy RES 13. The proposal therefore does not meet with the provisions of Policy RES 13.

5.5 Policy RES 17 will not permit residential development in the countryside where:-

- vi) The development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations.

The proposed development would constitute ribbon development and therefore is contrary to Policy RES 17.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report and the applicant's supporting statement.

Consultation Responses

6.2 The consultation responses do not raise any adverse comments with the exception of the sightline requirements which require to be addressed through a Legal Agreement.

Applicant's Supporting Statement

6.3 The applicant has submitted a statement of support with the application which seeks to justify the proposal within the context of Policy G5 of the Ayrshire Joint Structure Plan (B) in that the proposal can be "justified in terms of social and economic benefit to the community".

6.4 As a director of Braehead Foods the applicant requires to raise capital through the sale of the application site to further expand his operations. The company has considered the possibility of expansion on the present site but has concluded that this would only be a short term solution and are now looking for a long term solution which they have concluded would be moving to a greenfield site such as the Moorfield North Industrial Park. To finance the shortfall of cash to enable this expansion to go ahead the company believe that the sale of land would be the ideal answer.

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 6 of the report, the application is not in accordance with the Ayrshire Joint Structure Plan - Approved Version, Ayrshire Joint Structure Plan - New Finalised Version and the East Ayrshire Local Plan. Therefore given the terms of Section 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 other material considerations relevant to this application as indicated in Section 6 of the report. The proposed development conflicts with the structure plan policies and those of the EALP. The proposal involves housing in the countryside outwith the settlement boundary and it is not within a designated housing site. Although the applicant has provided a

justification, it is not considered acceptable in terms of the criteria of Policy RES 13 nor does it have sufficient weight to require an exception to policy.

8.3 The expansion of a business on a different site cannot justify the approval of housing in a policy context on a totally separate site outwith the settlement boundary. Furthermore, the development would constitute an inappropriate extension into the countryside and constitute ribboning of development along the public road. Any houses located within the application site would be unduly visually prominent as the site is on one of the main approach roads to Crosshouse.

9. RECOMMENDATION

9.1 The application should be refused for the reasons indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards the application will require to be referred to the Development Services Committee as it would be a significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

04 October 2006
(WH/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Applicant's Supporting Statement.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Willie Harris, Planning Officer, on 01563 576787.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0649/OL

Site of Proposal:	Site Off B7081 Thorntoun Estate Crosshouse KILMARNOCK KA2 0BH
Nature of Proposal:	Residential Development in Outline
Name & Address of Applicant:	Braehead Foods Bonnyton Industrial Estate Munro Place KILMARNOCK KA1 2NP
Name & Address of Agent:	Arctec Designs Troon Ltd 23 Dallas Place TROON KA10 6JE

DPOs Reference: WH/MMM

The above OUTLINE application should be refused for the following reasons:-

1. The proposed development would be contrary to Policy G5 of the Approved Ayrshire Joint Structure Plan by reason of there being no site specific locational need for this site. The proposal does not meet with any of the criteria set out in Policy G5.
2. The proposed development would be contrary to Policy RES 13 of the Adopted East Ayrshire Local Plan. The proposal does not meet with any of the criteria set out in Policy RES 13.
3. The proposed development would set an undesirable precedent for inappropriate development in the rural protection area.
4. The proposed development is not in accordance with Policy RES 17 (vi) of the East Ayrshire Local Plan as it comprises housing development in the countryside which would constitute ribbon development.

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