

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 25 NOVEMBER 2005

**05/1051/OL: PROPOSED ERECTION OF VETERINARY SURGERY
ON LAND AT BLAIR AVENUE, HURLFORD
BY MR D NORRINGTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant seeks outline planning permission for the erection of a veterinary surgery to the rear of Blair Avenue, Hurlford, accessed by a track adjacent to the substation. The applicant has not provided details regarding siting, external appearance or landscaping.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan indeed they point to refusal of the development. 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, Development and Building Standards the application will not require to be referred to the Development Services Committee.

**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, since this decision route has been agreed by the Head of Planning in consultation with the Chair of the Committee following a request from a Local Member.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the rear of existing housing on Blair Avenue, Hurlford, and is accessed by a track off Blair Avenue. The railway line is to the west of the site, and the area to the immediate south is grassed, and appears to be used as an access to garages for the adjacent housing. There is a vacant flat roofed, red brick, single storey property existing on the site.

2.2 **Proposed Development:** The applicant seeks outline planning permission for the erection of a veterinary surgery to the rear of Blair Avenue, Hurlford, accessed by a track adjacent to the substation. The applicant has not provided details regarding siting, external appearance or landscaping.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has recommended that this application is refused for the following reasons:

- The present access from Blair Avenue is not suitable as a commercial access for both pedestrians and vehicles. The width available at the access reduces to 3.0 metres, which does not allow the safe passage of two way traffic. A 5.5 metre carriageway would be required with a 2.0 metre wide footway to allow the access to be used safely.

- The sightlines at the junction with Blair Avenue are obstructed by adjacent properties. The applicant would have to obtain control over the adjacent properties for a sightline standard of x=2.5 metres and y=70 metres.
- The development does not provide sufficient space to allow parking for both staff and customers within the application site. The use of adjoining land outwith the applicant's control will not be acceptable for this purpose.
- The current access is used by the existing residents on Blair Avenue as access to the rear of their properties where off street parking is available. The proposed shared use with the commercial development would require the access to be improved to an adoptable road standard for which there is insufficient width through the existing access.

The application is not suitable in terms of access and road safety. These issues cannot be addressed satisfactorily given the existing housing, which would prevent the required road width being achievable and the provision of the required sightlines.

3.2 Network Rail has no objection to the principle of this development, but state they must take an active interest in any construction/demolition activity adjacent to Network Rail property that could affect the safe operation of the railway. As such, they have forwarded a general guidance document direct to the applicant.

If approved, a note could be attached to any consent, advising the applicant to contact Network Rail regarding their concerns.

3.3 Hurlford and Crookedholm Community Council has not responded in relation to the proposal.

Noted.

4. REPRESENTATIONS

No letters of objection have been received.

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 East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan.

East Ayrshire Local Plan

5.3 Policy RTC1 states that the Council will adopt a sequential approach in assessing development proposals for retail and other uses appropriate to town centres as described in Schedule 5 of the Plan. Applicants proposing such developments in out-of-town centre locations are required to demonstrate that no suitable alternative site can be found or assembled within town centres and thereafter in an edge of centre location.

The application site is well outside the town centre boundary of Hurlford. The applicant has not demonstrated any consideration of alternative sites within the town centre or adjacent to the town centre.

5.4 Policy RTC3 states that all development proposals falling within the classes of development detailed in Schedule 5 of the Local Plan will be directed to:

- (i) Kilmarnock and Cumnock Town Centres if the proposed gross floorspace exceeds 1,500m²;

Not applicable.

- (ii) All town centres if the proposed gross floorspace is less than 1,500m².

The proposed development is a Schedule 5 use and as such should be directed to Hurlford town centre.

5.5 Policy RTC5 states that, in assessing all out-of-centre retail and other Schedule 5 development proposals, the Council will have regard to certain stated factors, those being:

- (i) whether the applicants have adopted a sequential approach and can demonstrate that no suitable alternative sites are available within or on the edge of town centres;

The applicant has not demonstrated they have adopted a sequential approach, in terms of demonstrating that no suitable sites exist within or adjacent to Hurlford town centre.

- (ii) whether the proposal would affect, either individually or cumulatively, the vitality and viability of town centres and whether the scale of the proposal is appropriate to its location;

Failure to direct this type of development to the town centre would inevitably have a cumulative impact on its vitality and viability.

- (iii) whether the proposal is accessible to a choice of means of transport;

The application site is in a location that has very limited access to public transport.

- (iv) the effect of the proposal on travel patterns, infrastructure and road works;

The Roads Division has recommended refusal of this application, for the reasons detailed in Section 3.1 above.

- (v) whether the proposal would be compatible with other uses in the surrounding area;

The application site is in an area of predominantly residential development. It is considered that a veterinary surgery is more appropriately located within an area of similar service based uses, i.e. a town centre.

- (vi) whether the design of the proposed building would be acceptable;

The application is outline only and any design matters would be dealt with through a reserved matters application.

- (vii) the effect of the proposal on the environmental quality, character and amenity of the area; and

The surrounding area is largely residential in nature and it is considered that the proposed development would detract from the environmental quality, character and amenity of the area.

The proposed use is one that is directed to town centres and edge-of-centres in preference to out-of-centre locations as has been proposed. No information regarding a sequential approach in considering alternative sites has been provided by the applicant and the use is considered more appropriate to town centres, therefore the application is considered to be unacceptable in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in section 3 of the report. The Roads Division recommend refusal of this application; no other consultees raise any issues to override the Development Plan.

Planning History

6.3 There are no records of previous planning applications at this site.

Impact on Amenity

6.4 It is considered that the location of the veterinary surgery would be detrimental to the residential amenity of the surrounding area, since it is likely to bring additional traffic and pedestrians to the site. There is insufficient space to accommodate the roads upgrades required for safety and therefore, approval would be detrimental to traffic and pedestrian safety in the area.

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 the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan indeed they point to refusal of the development. The application should be refused.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached 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 this would be a significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

15 November 2005
(CP/MMM/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Claire Peters, Planning Officer on 01563 576779.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1051/OL

Site of Proposal:	Land at Blair Avenue HURLFORD
Nature of Proposal:	Proposed Erection of Veterinary Surgery
Name & Address of Applicant:	Mr D Norrington 16 Galston Place KILMARNOCK KA3 6FT
Name & Address of Agent:	N/A

DPOs Reference: (CP/MMM/RH)

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

1. The proposal is contrary to Policy RTC 1 of the Adopted East Ayrshire Local Plan, by reason of its failure to demonstrate that no alternative sites can be found in the town centre or edge of centre.
2. The proposed development would be detrimental to road safety by reason of the width of the access road, which is insufficient to allow the safe passage of pedestrians and vehicles.
3. The proposed development would be detrimental to road safety by reason of failing to provide the required sightlines and parking within the site, as specified by the Council's Roads and Transportation Division.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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