

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 6 APRIL 2001

**00/0703/OL: PROPOSED ERECTION OF 7 DWELLINGHOUSES, THORNTOUN
ESTATE, CROSSHOUSE
BY THORNTOUN LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline Planning Permission is sought for the erection of 7 dwellinghouses. An indicative layout has been submitted showing the siting of five housing plots around a turning circle and two housing plots opposite the existing respite care unit. An area of open space is proposed between the intermediate care accommodation and the 5 houses. Access to the houses would be taken from the main access road to Thorntoun Estate and the road serving the existing respite care unit. Details of the design and layout of the houses would be submitted at the detailed stage.

1.2 The applicant has submitted that two of the proposed houses would be specifically designed and used to provide intermediate care accommodation. The remaining five house plots would be for private sale. The applicant has submitted a supporting statement indicating that there is a significant demand in East Ayrshire for intermediate care accommodation for people seeking to be introduced or reintroduced to living in the community after living in residential care accommodation. Furthermore with the forthcoming proposed closures of Strathlea in Kilmarnock and Arrol Park in Ayr there is an increasing requirement for houses providing intermediate care provision in East Ayrshire. Transitional facilities for existing occupants of these premises will be required up to their closure and Thorntoun Estate could make a significant contribution to this requirement. According to the applicant, the provision of 5 houses for private sale would create an ideal balance to the 2 intermediate care accommodation houses. The provision of a mix of mainstream and special care housing on the application site would help to achieve a good community balance.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.2 of the report it is considered that the application is not in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless there are material considerations indicating otherwise.

3.2 As has been indicated in paragraph 6.3 of the report there are other material considerations relevant to this application. Taking the material considerations together it is considered that a departure from the policies of the Adopted Kilmarnock Local Plan and East Ayrshire Local Plan Finalised Version with Modifications can be justified in this instance due to the very particular nature and characteristics of the site and surrounding area. The proposal would not conflict with the main objectives of Policy RES13 of East Ayrshire Local Plan (Finalised Version with Modifications) as it would not set a precedent for sporadic or isolated housing development in the countryside. The development is viewed as being visually acceptable as it would consolidate the existing self-contained area, whilst in part retaining a functional link to an existing community facility. For these reasons the proposal is not considered to be a significant departure from the East Ayrshire Local Plan (Finalised Version with Modifications).

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 an Outline Planning Application which is to be considered by the Local Planning Committee because it is a larger application which is a minor departure from the East Ayrshire Local Plan Finalised Version with modifications and is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is 8000 square metres in area and it is a grassed overgrown vacant area located to the east of Crosshouse. The site is located within Thorntoun Estate which contains Thorntoun Nursing Home, a number of residential properties and a respite care centre. The site is located to the west and south of the existing respite care unit and is surrounded by existing mature woodland which is protected by a Tree Preservation Order.

2.2 **Proposed Development:** Outline Planning Permission is sought for the erection of 7 dwellinghouses. An indicative layout has been submitted showing the siting of five housing plots around a turning circle and two housing plots opposite the existing respite care unit. An area of open space is proposed between the intermediate care accommodation and the 5 houses. Access to the houses would be taken from the main access road to Thorntoun Estate and the road serving the existing respite care unit. Details of the design and layout of the houses would be submitted at the detailed stage.

2.3 The applicant has submitted that two of the proposed houses would be specifically designed and used to provide intermediate care accommodation. The remaining five house plots would be for private sale. The applicant has submitted a supporting statement indicating that there is a significant demand in East Ayrshire for intermediate care accommodation for people seeking to be introduced or reintroduced to living in the community after living in residential care accommodation. Furthermore with the forthcoming proposed closures of Strathlea in Kilmarnock and Arrol Park in Ayr there is an increasing requirement for houses providing intermediate care provision in East

Ayrshire. Transitional facilities for existing occupants of these premises will be required up to their closure and Thorntoun Estate could make a significant contribution to this requirement. According to the applicant, the provision of 5 houses for private sale would create an ideal balance to the 2 intermediate care accommodation houses. The provision of a mix of mainstream and special care housing on the application site would help to achieve a good community balance.

3. CONSULTATIONS & ISSUES RAISED

3.1 East Ayrshire Council Roads Division have no objections provided a 2 metre wide footway is provided from the application site to the public footway on Irvine Road and a bus layby constructed on the opposite side of Irvine Road at the high point to allow buses to stop and discharge passengers without causing a danger to other Road users. The new road layout should conform to the Roads Development Guide with a circular turning area, carriageway width, and a footway. A traffic calming speed table should be placed on the boundary between the new and existing road. Parking levels will be determined at the detailed stage.

The requirements of the Roads Division regarding the footway and bus layby could be met by attaching conditions to the planning consent if granted. Details regarding the turning area and carriageway width would be submitted at the detailed stage.

3.2 West of Scotland Water have commented that their permission should be sought to connect to the public sewerage system. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient. The application may involve building over an existing public sewer and contact should be made prior to starting work on site in order to discuss whether diversions or protection is required. A totally separate drainage system will be required. The nearest public water main is in the B7081 road.

A note could be attached to the planning consent if granted advising the applicant to make early contact with West of Scotland Water.

3.3 Scottish Environment Protection Agency have no objection provided that the foul drainage is connected to the public sewer. They ask that surface water from the site is treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.

A note can be attached to any grant of planning consent advising the applicant to make early contact with the Scottish Environment Protection Agency regarding treating the surface water from the site in accordance with the principles of Sustainable Urban Drainage system.

3.4 The Coal Authority, Scottish Power, West of Scotland Archaeology Service and Crosshouse Community Council have no adverse comments to make regarding the proposal.

Noted.

3.5 Transco require no mechanical excavation to be carried out within 500mm of Transco plant.

A note could be attached to the planning consent if granted advising the applicant of Transco's requirements.

3.6 East Ayrshire Council Outdoor Services have difficulty in identifying the distances between the existing trees and the proposed houses. This would need to be addressed as some of the houses could interfere with the root system of the adjacent trees. They have concerns regarding a large Beech tree to the north west of the site. This tree appears to have significant heart wood decay which could render it liable to windthrow or breakage during storms. The Horse Chestnut trees are prone to branch breakage in high winds. Some of these branches are large and heavy and could cause structural damage to the proposed property. Until they receive accurate location plans, they can only guess that some of the proposed properties would be within falling distance of the trees.

This is an outline planning application and details of the housing layout would be submitted at the detailed stage. There is a close relationship between the proposed housing plots and the existing mature woodland which surrounds the western and southern perimeter of the housing plots which would need to be taken into account when considering subsequent detailed applications.

3.7 Ayrshire Joint Structure Plan Team have commented that Policy ADS3 of the Structure Plan requires that new residential development be directed and located within settlements as defined by local plans. They note that the Finalised East Ayrshire Local Plan indicates that the site lies outwith Crosshouse and within the 'rural protection' policy area. To conform to the Structure Plan policy the proposal would require to be consistent with the criteria listed in G5. This proposal would appear not to conform to these criteria and is therefore contrary to the current development plan.

The proposed development is contrary to Policy ADS3 as the application site is outwith the settlement boundary of Crosshouse as defined by East Ayrshire Local Plan Finalised Version. The proposal does not conform to the criteria of Policy G5 as it does not have a demonstrated site specific locational need, cannot be justified in terms of social and economic benefit to the community; contribute to rural land diversification; or provide for the operational needs of agriculture and forestry.

4. REPRESENTATIONS

4.1 No letters of representation were received to the development.

5. DEVELOPMENT PLAN STATUS

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 and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered under Policy 5.10.3 which relates to housing development in the countryside outside the urban envelope of existing settlements. This indicates that such development shall not be allowed except in accordance with policies 5.10.4 to 5.10.6. Policy 5.10.4 will favourably consider the erection of single dwellings in the open countryside where the site is an existing house or was last used for residential purposes and was not discontinued not more than 4 years before the date of the planning application.

Policy 5.10.5 favourably considers new housing development in the countryside where the proposal is for a single dwelling required on a permanent basis for an agricultural or forestry worker, the need cannot be met by a dwelling in a nearby settlement and the proposed dwelling is not sited in a conspicuous location in the countryside. Policy 5.10.6 relates to the re-habilitation or enlargement of derelict buildings. These policies were formulated to allow flexibility in respect of housing required in relation to agricultural uses or derelict buildings.

The application site is located outwith the settlement boundary of Crosshouse. The proposal fails to comply with policies 5.10.4 and 5.10.5 as the site is not an existing or former housing area and the housing is not required for an agricultural or forestry worker on a permanent basis. Policy 5.10.6 is not relevant to the present proposal. The application is contrary to the adopted local plan.

5.3 In terms of the Ayrshire Joint Structure Plan, the proposal fails to meet the policies of the above plan, as has been considered in para 3.7 above.

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 consultations received.

6.2 The Adopted Local Plan is considerably out of date and it is therefore considered appropriate that weight should be also 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 Policy RES13 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:

- a) for a full-time agricultural or forestry worker employed directly on the land on which the proposed houses relate;
- b) for a worker employed by a rural enterprise or a tourism related activity and where the request for that worker to be on the site is essential to the economic operation of the activity concerned.
- c) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- d) as an enabling development for the conversion of a large rural residential or institutional property as detailed in Policy RES8. Developments for which a site specific locational need cannot be demonstrated will not receive Council support. This policy was formulated to protect the countryside from inappropriate isolated or sporadic residential development.

The proposal is essentially contrary to the above policy as it is not connected with agriculture or forestry and it is not intended for workers employed by a rural enterprise or tourism related activity or for on-site staff accommodation. The development is not considered to be an enabling development for the conversion of a large rural residential or institutional property. Consequently, the proposal is contrary to Council policy. Notwithstanding the above, an exception to the above policy can be justified in this instance due to the particular characteristics of the site. The proposal is located within a self-contained area, which contains a nursing home, a respite care unit and six private houses which are not connected with the nursing home. In essence, therefore, this is not a rural environment of the type which policy RES13 primarily addresses. The erection of 7 further houses in the estate would not be detrimental to the rural area and would not conflict with the main objectives of Policy RES13, which is to protect the countryside from inappropriate isolated or sporadic residential development. Furthermore, two of the seven houses will provide intermediate care accommodation and will be functionally linked with the respite care unit. Within the indicative layout, it is proposed to site these two houses opposite the respite care unit.

6.4 The consultees have not raised any adverse comments. The observations can be accommodated by either attaching conditions or notes to any grant of planning consent.

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 at paragraph 5.2 it is considered that the application is not in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless there are material considerations indicating otherwise.

8.2 As has been indicated in paragraph 6.3 there are other material considerations relevant to this application. Taking the material considerations together it is considered that a departure from the policies of the Adopted Kilmarnock Local Plan and East Ayrshire Local Plan Finalised Version with Modifications can be justified in this instance due to the very particular nature and characteristics of the site and surrounding area. The proposal would not conflict with the main objectives of Policy RES13 of East Ayrshire Local Plan (Finalised Version with Modifications) as it would not set a precedent for sporadic or isolated housing development in the countryside. The development is viewed as being visually acceptable as it would consolidate the existing self-contained area, whilst in part retaining a functional link to an existing community facility. For these reasons the proposal is not considered to be a significant departure from the East Ayrshire Local Plan (Finalised Version with Modifications).

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

19 March 2001

(PC/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Adopted Kilmarnock Local Plan.
4. Adopted Ayrshire Joint Structure Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.

Anyone wishing to inspect the above papers please contact Pamela Clifford on (01563) 576772.

Implementation Officer: Dave Morris

I:Central/000703

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0703/OL

Location:	Thorntoun Estate CROSSHOUSE
Nature of Proposal:	Proposed Erection of Seven Dwellinghouses
Name & Address of Applicant:	Thorntoun Ltd Thorntoun Estate CROSSHOUSE KA2 0BH
Name & Address of Agent:	Lawrence McPherson Associates Suite 1 Beresford Court 6-8 Beresford Lane AYR KA7 2DW

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

1. The proposed development shall be carried out in accordance with the application form received on 9 October 2000 and the amended plans received by the Planning Authority on 23 February 2001 and 16 & 20 March 2001.

REASON To ensure that development is carried out in accordance with the approved details.

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

- (a) The layout of the site;
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for open space;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site;
- (i) Finished site levels/floor levels.

REASON The approval is in outline only.

3. The indicative layout submitted along with the application is for information purposes only and shall not be treated as forming part of the issued consent.

REASON The approval is in outline only.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the two dwellings to be erected to the south of the existing respite care centre indicated as Plot 6 & 7 on the indicative site layout shall only be used for the provision of intermediate care accommodation for persons seeking to be introduced or reintroduced to living in the community after living in residential care accommodation. They shall not be used as general needs housing.

REASON To ensure that the development is carried out in accordance with the approved details due to the particular circumstances of the site.

5. Prior to the occupation of any houses, a bus layby shall be constructed on the north side of Irvine Road. Details of its exact location and construction shall be submitted to and approved by the Planning Authority before development commences on site.

REASON In the interests of road safety.

6. Prior to the occupation of any of the houses a 2 metre wide footway shall be provided from the application site to the public footway on Irvine Road. Details of its exact location and construction shall be submitted to and approved by the Planning Authority before development commences on site.

REASON In the interests of road safety.

7. No more than seven dwellinghouses shall be erected within the application site.

REASON To ensure that development is carried out in accordance with the approved details.

8. Details to be submitted to under Condition 2(b) shall allow only for the erection of single storey houses.

REASON In the interests of visual amenity.

9. No trees shall be felled, lopped or have roots out without the prior written consent of the Planning Authority.

REASON In the interests of visual amenity.

10. Where the development is to proceed in any manner other than a comprehensive development of 7 houses, the details to be submitted further to Condition 2 above shall allow for the approved houses to be finished only in materials drawn from a Limited List

of external materials which shall be submitted to and approved by the Planning Authority prior to the commencement of development. This List shall also specify the types and colour of windows to be used.

REASON In the interests of visual amenity of the development and surrounding area.

Note:

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS (0808 100 5333) regarding connection to the public sewerage system and building over an existing public sewer.
3. The applicant shall make early contact with Scottish Environment Protection Agency, 5 Redwood Crescent, Peel Park, East Kilbride, G74 5PP to confirm their request to utilise a Sustainable Urban Drainage System with regard to surface water.
4. No mechanical excavation shall be carried out within 500mm of Transco Plant.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA