

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 19 DECEMBER 2000

EAST AYRSHIRE LOCAL PLAN

**OBJECTIONS AND REPRESENTATIONS DOCUMENT AND SCHEDULE OF
PROPOSED MODIFICATIONS**

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 To inform the Committee of the formal objections and representations received in respect of the Finalised Version of the East Ayrshire Local Plan; to inform the Committee of the Department's suggested response to each of the objections and representations received; to present to Committee a Schedule of Modifications it is proposed should be made to the Local Plan, including those modifications proposed to meet the objections received; and to seek approval of the Objections and Representations Document and the Schedule of Modifications in order to allow formal negotiation with objectors to be carried out.

2. BACKGROUND INFORMATION

2.1 The Finalised Version of the East Ayrshire Local Plan was approved by the Development Services Committee on 29 September 1999, the Committee decision being ratified by the full Council on 04 November 1999. The Committee agreed that the finalised plan be the prime material consideration and the main local plan policy base against which all future planning applications within East Ayrshire be assessed, and also authorised the Head of Planning and Building Control to undertake the necessary statutory procedures to progress the Local Plan to adoption.

2.2 The Finalised Local Plan was duly placed on deposit and advertised in the local press and the Edinburgh Gazette, as required by statute, during the week beginning 06 December 1999. The advertisements informed the public and interested parties that the finalised local plan was available for inspection at all libraries and local offices and formal objections to the plan were requested by 11 February 2000. Copies of the plan were also forwarded for information and comment to all local Community Councils, all Council Heads of Department and all neighbouring Authorities.

2.3 As part of the plan modification process a Members' seminar was held at the Council Offices, Lugar, on 04 October 2000, informing Local Members of the extent and nature of objections and representations received in respect of the plan, and outlining the major modifications it is suggested be made to the plan. The seminar was well received and provided valuable feedback from the Members on the issues raised.

3. OBJECTIONS AND REPRESENTATIONS DOCUMENT

3.1 The objections and representations received on the local plan were wide ranging with responses being received primarily from the general public as well as from statutory and non-statutory consultees and local Community Councils. A total of 709 representations on the plan were received in the specified objection period, relating to 230 separate points.

3.2 The representations made related to all aspects of the Local Plan and were diverse in nature, ranging from objections to the inclusion of specific sites identified in the plan and comments on the wording of specific policies to general statements of support for particular elements of the plan.

3.3 By far the largest number of objections and responses received related to individual housing sites identified in the plan with 652 separate objections being received in respect of 40 such sites. Of these, 617 objections related specifically to the inclusion of 11 identified housing sites in the plan, these being as follows:-

(i)	Belvedere View, Galston	100	objections
(ii)	Goatfoot, Galston	2	"
(iii)	Dalry Road, Stewarton	329	"
(iv)	Waterslap, Fenwick	4	"
(v)	Skernieland Road, Fenwick	1	"
(vi)	Galston Road, Hurlford	4	"
(vii)	Standalane, Kilmaurs	174	"
(viii)	Catrine Road, Sorn	1	"
(ix)	Mount House, Kilmarnock	1	"
(x)	Dalcairney Road, Bellsbank	1	"
(xi)	Arran Drive, Auchinleck	1	"

A further 29 objections were received in respect of 25 sites which individual objectors wished to see included in the plan as housing sites.

3.4 A total of 5 objections were also received against the inclusion of 5 miscellaneous and business and industry development opportunity sites identified in the plan and 7 objections were received requesting consideration be

given to the identification of 7 separate sites for various purposes in the document.

3.5 All of the points of objection received are addressed individually in the Objection and Representation Document which details each objection received and suggests an appropriate Council response to each point made. Detailed changes to the Local Plan are also suggested in the Document as a means of meeting those objections and representation which justify an appropriate amendment being made.

3.6 The Objection and Representation Document runs to some 350 pages in length and, as an alternative to providing each Member of the Committee with an individual copy of the document, two copies of the document have been placed in each Group Room for information purposes.

4. SUMMARY OF SPECIFIC ISSUES ADDRESSED

4.1 The modifications suggested for incorporation into the plan have addressed a wide range of issues and the major changes most worthy of note comprise the following:-

- (i) an assessment of reuse or redevelopment of industrial sites or premises not specifically safeguarded for industrial use. The use of such sites for alternative non-industrial purposes will now only be considered acceptable where alternative industrial or business land or premises with potential for future employment use exists within the particular settlement concerned. Particular support will be given to proposals which incorporate or retain an element of industrial use as an integral part of the redevelopment of such sites.
- (ii) the reassessment of all housing land identified in the plan in light of the most up-to-date housing information available. Of the three sites generating substantial numbers of objections, it is proposed to retain Belvedere View, Galston, in the plan in order to provide an adequate supply of housing land in the settlement. The site also requires to be retained in the plan because of the lack of other, alternative, effective housing sites within the town which are free of any development constraints. The site at Standalane, Kilmaurs has been retained in the plan as being the most suitable site for future housing development in the settlement, in terms of its impact on the community and residents of the area. However, it is proposed to delete the site at Dalry Road, Stewarton which is now considered surplus to housing requirements with the re-introduction into the plan of a previously identified housing site at Old Glasgow Road and the recent committed increase in numbers

at the two Draffen housing sites already identified in the plan. Sufficient housing land to meet anticipated demand well beyond a seven year period has been identified in the plan.

- (iii) commitment to the preparation of Tourism Action Plans for the Irvine Valley and Doon Valley Tourism Gateway Areas. The preparation of an Action Plan for the development of the Mount House and Moorfield areas is also confirmed in the document.
- (iv) a strengthening of the policy regarding the Kilmarnock and Cumnock Town Centres and the Kilmarnock Core Shopping Area, relating to the provision of retail and non-retail support services.
- (v) the introduction of a telecommunications policy reflecting the Council's broad Interim Policy on the subject.

4.2 In addition to the above, individual site boundaries within a number of specific settlements have been amended to reflect recent Council decisions including the decision to construct a new primary school at Western Road, Galston to replace the existing Galston Primary School.

4.3 It is recognised that a number of planning issues still require to be addressed in a future review of the Local Plan, once strategic guidance at the Structure Plan level has been formulated and agreed by the three Ayrshire Councils. Such issues include

- (i) the development of additional waste policies relating to waste treatment facilities.
- (ii) the further development of telecommunications policies once further Government Guidance on the subject is available.
- (iii) the development of specific policy on motorway service area provision.
- (iv) the formulation of broad policies relating to the development and protection of 'employment land'.

5. SCHEDULE OF SUGGESTED MODIFICATIONS

5.1 In order to progress the finalised plan to adoption, a Schedule of Modifications has been prepared which lists those detailed changes it is suggested the Council agrees to make to the Local Plan. The Schedule of Modifications, which accompanies* this report, includes:

- (i) proposed modifications suggested as a means of meeting objections received;
- (ii) proposed modifications that have been suggested as a result of meeting requirements of recent legislation and other statutory documents, eg NPPGs, the Ayrshire Joint Structure Plan;
- (iii) proposed modifications considered appropriate to be made to meet identified deficiencies in the plan or to aid comprehension of the document;
- (iv) proposed modifications of a technical or minor nature.

* (limited circulation. For a copy of the report please contact John Lilley on 01563 5767754)

5.2 The Schedule of Modifications identifies the precise part of the local plan for which modifications are prepared, the details of all changes suggested and a reason for each particular change. A synopsis of the suggested modifications is appended to this report as Annex 1.

5.3 Those policies which have been amended have been reproduced in full and are appended to this report as Annex 2.

6. THE WAY FORWARD

6.1 Should the Council agree to the suggested responses and modifications detailed in the Objection and Representation Document and the Schedule of Modifications, it is proposed that the following steps be initiated in order to progress the Local Plan to adoption: -

- inform objectors of the Council's response to their objections;
- ascertain from objectors whether the objections received will be withdrawn or whether a Public Local Inquiry will require to be arranged;
- advertise the proposed modifications to the plan and invite objections;
- place any objections to the proposed modifications to Committee for consideration;
- arrange Public local Inquiry to consider any unresolved objections;
- consider any recommendations made by the Reporter at the Public Local Inquiry;
- adopt the Plan.

7. FINANCIAL IMPLICATIONS

7.1 None.

8. LEGAL/AUTHORITY IMPLICATIONS

8.1 None.

9. PERSONNEL IMPLICATIONS

9.1 None.

10. RECOMMENDATIONS

10.1 It is recommended that the Committee agrees: -

- (i) to recommend approval of the Objection and Representation Document and the Schedule of Modifications;**
- (ii) to recommend adoption of the modified policies as detailed in Annex 2 of this report, as a basis for the determination of all future planning applications lodged with the Council for determination;**
- (iii) to recommend that the Head of Planning and Building Control be authorised to advertise the modifications detailed in the Schedule of Modifications for objections, as required by statute;**

thereafter

- (iv) to authorise the Head of Planning and Building Control to enter into negotiation/discussion with individual objectors with regard to objections already made or with regard to any future objections received in respect of the modifications advertised under recommendation (ii) above; and**
- (v) to authorise the Head of Planning and Building Control to produce an updated version of the Local Plan, incorporating all of the agreed modifications, for in-house Council use and distribution to members of the general public on request.**

LIST OF BACKGROUND PAPERS

1. The East Ayrshire Local Plan – Finalised Version, as approved by the Development Services Committee on 29 September 1999.
2. In-house paper on Local Plan Objection Procedures dated 26 April 2000.

Implementation Officer: Alan Neish

04 December 2000

JL/MMM

Local Plan

ANNEX 1

(a) **Synopsis of Suggested Modifications: Volume 1: Written Statement**

- (i) Minor modifications made to Policies IND6(vii) and 10, TLR8; M4; RES2, 15, 18 and 22; RTC 5,6 & 10; CS9; T1, 2 and 7; ENV 5,10,17 & 18.
- (ii) Modification made to Policy IND8 to introduce new criteria for consideration purposes.
- (iii) Modification made to Policy RES7 to clarify criteria used in assessing proposals to rehabilitate existing properties.
- (iv) Modification made to Policy RES8 to clarify the criteria used in assessing enabling developments.
- (v) Modification made to Policy RES12 to expand circumstances where temporary non permanent dwellings may be considered acceptable.
- (vi) Modification made to Policy RTC2 to simplify floorspace criteria for the direction of retail developments to town centres.
- (vii) Modification made to Policy RTC3 to clarify development within the Kilmarnock Core Shopping Area.
- (viii) Modification made to Policy RTC4 to remove requirement for justification of retail proposals in identified retail locations.
- (ix) Modification made to Policy RTC7(v) to place limit on size of tourism related retail developments.
- (x) Modification made to Policy RTC8 to deal with the issue of changes of use from Schedule 5 use to Non-Schedule 5 uses.
- (xi) Modification made to Policy RTC11 to allow certain residential developments within the Palace Theatre Area.
- (xii) Modification made to Policy RTC19 to clarify the circumstances where Amusements Centres are likely to be unacceptable.
- (xiii) Modification made to Policy CS6(viii) to amplify information regarding separation distances between the void of landfill sites and nearby settlements.

- (xiv) New TLR Policy regarding tourist accommodation proposals.
- (xv) New RES Policy regarding housing for agricultural workers.
- (xvi) New RTC Policy regarding extensions to retail premises.
- (xvii) New CS Policy regarding telecommunications developments.
- (xviii) New T Policy regarding transportation of freight by rail.
- (xix) New Proposal for the Scottish Executive to upgrade the A77 to motorway standard.
- (xx) New Proposal regarding the preparation of Tourism Action Plans for the Irvine Valley and Doon Valley Tourism Gateways.
- (xxi) New Recommendation encouraging service providers to continue to invest in infrastructure improvements.
- (xxii) New Recommendation for Railtrack and the railfreight operating companies to upgrade the existing rail network.
- (xxiii) New Recommendation for introduction of bus links between Queens Drive and Kilmarnock Town Centre.

(b) **Synopsis of Suggested Modifications: Volume 2: Settlement Development Opportunities**

- (i) Change of Kilmaurs Road, Crosshouse Housing Development Opportunity Site 210H to Miscellaneous Development Opportunity Site.
- (ii) Addition of new Housing Development Opportunity Site at Irvine Road, Crosshouse.
- (iii) Addition of new Housing Development Opportunity Sites at Holmburn Road, Netherthird and Skerrington Garage, Cumnock.
- (iv) Deletion of Housing Development Opportunity Site 066H at Burnton.
- (v) Deletion of Safeguarded Industrial Site at Main Street, Dalmellington.
- (vi) Deletion of Housing Development Opportunity Site 071H at Burnton Road, Dalrymple.

- (vii) Extension of proposed conservation area at Hastings Square, Darvel.
- (viii) Proposed new conservation area at Morton Park, Darvel.
- (ix) Addition of new area for Cemetery Extension at Fenwick.
- (x) Deletion of Housing Development Opportunity Sites 206H at Henrietta Street, Galston, and 207H at Goatfoot, Galston.
- (xi) Identification of site for new primary school at Western Road, Galston.
- (xii) Deletion of Housing Development Opportunity Sites 116H at Cessnock Road and 208H at St Pauls School, Hurlford.
- (xiii) Deletion of Housing Development Opportunity Sites 140H at David Orr Street and 147H at Holmes Road, Kilmarnock.
- (xiv) Change of Kilmarnock Infirmary Housing Development Opportunity Site 139H to Miscellaneous Development Opportunity Site.
- (xv) Change of Forge Street Business and Industry Development Opportunity Site, Kilmarnock, Site 156B, to Miscellaneous Development Opportunity Site.
- (xvi) Addition of new Miscellaneous Development Opportunity Site for retail purposes at Queens Drive, Kilmarnock.
- (xvii) Change of Bellfield Business and Industry Development Opportunity Site, Kilmarnock to Miscellaneous Development Opportunity Site.
- (xviii) Deletion of Housing Development Opportunity Site 181H at Council Yard, Kilmaurs.
- (xix) Amendment to settlement boundary, Townend, Kilmaurs.
- (xx) Extension of Housing Development Opportunity Site 170H at Knockentiber.
- (xxi) Extension of Miscellaneous Development Opportunity Site 030H and settlement boundary at Bank Special School, Bank Glen.

- (xxii) Deletion of Housing Development Opportunity Site 052H at Mansfield Road, New Cumnock.
- (xxiii) Change of Rex Cinema Housing Development Opportunity Site 123H to Miscellaneous Development Opportunity Site.
- (xxiv) Deletion of Housing Development Opportunity Sites 184H at High Street/Dean Street, 215H at Kilwinning Road and 216H at Rigg Street/New Street, Stewarton.
- (xxv) Addition of new Housing Development Opportunity Sites at Old Glasgow Road and Dean Street, Stewarton.
- (xxvi) Extension of Safeguarded Open Space Area at Glasgow Road, Stewarton.
- (xxvii) Addition of policy to request Section 75 Agreement for contributions to help fund leisure and recreational facilities in Stewarton.
- (xxviii) Addition of new Motorway Service Station Area at Kingswell.

ANNEX 2

PROPOSED MODIFICATIONS TO POLICIES

(The proposed modifications are indicated in bold type).

1. STRATEGIC DEVELOPMENT POLICIES

(i) Policy SD2 – There will be an overriding presumption that all new developments will be located within the East Ayrshire settlements, unless the development is acceptable to the Council in terms of Policies SD3 and SD4 below.

2. BUSINESS AND INDUSTRY POLICIES

(i) Policy IND6

All proposals for new industrial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing premises to industrial or business use, will require to be justified against all of the following criteria:

- (i) Locational need;
- (ii) Availability of alternative land/premises in established industrial areas or on land identified as part of the marketable industrial land supply;
- (iii) Economic benefit;
- (iv) Impact on surrounding environment and adjacent uses;
- (v) Transportation and infrastructure implications;
- (vi) Loss of public amenity open space;
- (vii) Loss of prime **quality and good quality locally important agricultural land falling within Categories 1,2,3.1 and 3.2 of the Macaulay Land Use Research Institute; and,**
- (viii) Impact on natural and built heritage resources.

(ii) Policy IND8

Other than those sites specifically safeguarded for industrial use under Policy IND4 above, proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:

- (i) the proposed use not being detrimental to surrounding established uses;
- (ii) the proposal meeting with the requirement of all other relevant Local Plan policies; and
- (iii) the existence of alternative industrial or business land or premises with potential for future employment use within the settlement concerned.**

The Council will be particularly supportive of any proposals for such sites which incorporate or retain an element of industrial use as an integral part of their redevelopment.

(iii) Policy IND10

Industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to:-

- (i) Category 1 & 2 Business and Industrial sites and those Miscellaneous Development Opportunity sites with potential for industrial or business development, as indicated on the Local Plan Rural Area map;**
- (ii) Sympathetic industrial and business developments associated with traditional activities of agriculture and forestry,**
- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;**
- (iv) Rail freight based industrial uses at existing coal disposal points; and,**
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.**

All proposals for industrial and business developments in the countryside will require to be justified and will be assessed against their impact on the surrounding environment and adjacent uses, transportation and infrastructure implications, loss of prime agricultural land and impact on natural and built heritage resources.

3. TOURISM, LEISURE AND RECREATION POLICIES

(i) Policy TLR8

There will be a presumption in favour of tourist related development including **the development of** camping and caravan sites. Wherever possible, encouragement will be given to the use of existing buildings in preference to the construction of new build facilities. Proposals will require to meet all of the following criteria:

- (i) The proposed use and any associated structures is not visually or environmentally intrusive, is of a nature and scale compatible with surrounding land uses and is not detrimental to the character and amenity of the area within which it is proposed;
- (ii) There is no adverse impact on the natural environment and in particular on recognised natural or built heritage resources requiring conservation;
- (iii) The proposal can be fully justified in terms of infrastructure, provision of services, access and car parking provision; **and**
- (iv) **The proposal complies with the provisions of Policy TLR4 below.**

(ii) TLR10

All new tourist accommodation proposals will be directed to existing settlements, although new hotel and self catering accommodation may be considered acceptable in a rural location where there is a clearly demonstrated site specific locational need and where the proposal complies with the provisions of Policy TLR 3 above. The provision of new bed and breakfast or guest house accommodation will be supported where the proposal relates to an existing property and where the following criteria can be met:-

- (i) **the operations do not adversely impact on any residential properties in the area; and**
- (ii) **adequate car parking can be provided to the standards of the Council as Roads Authority, within the development site.**

New build bed and breakfast or guest house accommodation outwith existing settlements will only be acceptable provided that the proposal can, in the first instance, be justified as a new residential development against the provisions of Policies RES13 or RES14, as appropriate.

4. MINERALS POLICIES

(i) Policy M4

The Council will assess all applications for new mineral workings, including the extension of mineral working at existing sites, against the following criteria:

- (i) The impact of the development on the amenity of nearby residents and the residents of properties located along agreed haulage routes to and from the site;
- (ii) The impact of the development on the natural and built heritage, including Historic Gardens and Designed Landscapes, the visual amenity and the landscape character of the area;
- (iii) Operational details, restoration proposals and after-use of the development site;
- (iv) Any cumulative impact of the development **either concurrently or successively** in association with other similar developments in the vicinity of the site;
- (v) The extent of directly related community and environmental benefits to be afforded to the area as a result of the development, such as the enhancement and creation of landscapes and habitats and removal of dereliction;
- (vi) Methods of transportation of material, volumes of traffic generated and proposed haulage routes; and
- (vii) The impact of the development on existing alternative economic initiatives and employment in the vicinity of the site, eg tourism facilities, etc.

Where an application relates to a new aggregate mineral working within the Rural Diversification Area, the proposal will also be assessed against the requirement of the mineral to meet special local needs.

5. HOUSING POLICIES

(i) Policy RES2

With the exception of dwellings covered by Policies RES13 and 14 below, proposals **to extend the greenfield supply of land** for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless all of the following criteria are fully satisfied:

- (i) There is a demonstrated shortfall in the supply of effective housing land within the **East Ayrshire** Housing Market Area;
- (ii) The site can be demonstrated to be effective and contribute to output during the shortfall period.**
- (iii) The proposal meets the terms of the Housing Development Strategy of the Local Plan;
- (iv) Road access and all other services and infrastructure can be provided to the standards required by the relevant public and statutory service providers; and
- (v) The proposal accords with the Council's policies with regard to design and layout and has minimal impact on the visual and natural environment.

(ii) Policy RES7

The rehabilitation or conversion to residential use of existing, and traditionally designed and constructed buildings both within settlements and the rural area, will be encouraged. The proposed development will require to meet **all of** the following criteria:

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;
- (ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a **minimum of 50%** of the external wall **area** in the completed conversion/rehabilitation **shall be formed from the external walls of the original building;**
- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;

- (iv) The proposal is fully in keeping with the character and appearance of the area within which it is located;
- (v) the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site; and
- (vi) the proposal does not damage the architectural integrity of the building **and reuses, wherever possible, any existing traditional building materials found on site.**

The Council may consider a relaxation of criteria (ii) above with regard to the conversion of traditionally designed and constructed outbuildings forming an integral part of an existing farm courtyard grouping where the proposal would preserve and enhance the integrity of the group of buildings concerned.

(iii) Policy RES8

Where a proposal relates to the conversion of a large residential or institutional listed building located within its own grounds to a sympathetic alternative use, an associated but limited enabling development of new build housing may be considered acceptable by the Council, subject to **all of** the following criteria being met:

- (i) Funds raised from the sale of the enabling development are channelled into the conservation of the building to which the development relates;**
- (ii) The new build element does not result in the division and fragmentation of the building and its grounds insofar as management of the area is concerned;
- (iii) The developer can demonstrate that financial assistance is not available from any other source;
- (iv) The extent of any new build element is restricted to the absolute minimum to unlock the development potential of the building and to facilitate its restoration;**
- (v) The new build element meets the provisions of all other relevant housing policies;
- (vi) The proposed enabling development is located and designed so as to have minimum impact on the architectural and**

historic interest, character and setting of the historic environment, including way designation of the area as an Historic Garden and Designed Landscape;

- (vii) The design of the enabling development reflects and compliments the style and design of the original building located on the site.**

Any permitted enabling residential development will be made the subject of an appropriate Section 75 Agreement regarding the phasing of construction and other related design and layout matters, through the submission of a detailed business plan for the overall development.

- (iv) Policy RES12

The use of caravans and non-permanent dwellings on sites other than those specifically authorised for such purposes will not be permitted. However, temporary consent may be granted in special circumstances where on-site temporary accommodation is required pending the construction of a permanent dwelling **or where a temporary, proven, site specific locational need can be demonstrated to the satisfaction of the Council.**

- (v) Policy RES13

The Council will be 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:

- (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 RES8 above.

Developments for which a site specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

(vi) Policy RES14

The Council will be supportive of small scale residential developments within the identified Rural Diversification Area, where:

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or
- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of **4 or more** houses not delineated by a formal settlement boundary. Any proposed expansion of such a housing group will be limited to 50% of the total number of dwellings existing in that grouping as of 01 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 16 below. Any development would require to be appropriate in terms of design to the particular location in which it is proposed, be sensitive to the design and layout of the existing settlement or group of buildings and meet the standards required by all relevant public and statutory service providers. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the grouping of houses concerned; or
- (iii) the proposed development constitutes very low density housing development, forming part of an integrated group of properties with a dual residential and workplace function supporting the rural economy as detailed in Policy RES17 below.

(vii) Policy RES15

Where a new residential development in the countryside is considered acceptable within the terms of Policies RES13 and 14, the Council will require applicants in the first instance;

- (i) to utilise any existing buildings which are considered capable of residential use, in preference to the construction of new build housing; and**
- (ii) to utilise areas of derelict and degraded land in preference the development of greenfield land.**

In all cases, any new housing development will be required to consolidate and compliment existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.

(viii) New Policy RES

The Council will not be supportive of any proposals for additional houses in the countryside for agricultural workers where it can be established that:-

- (i) an existing farmhouse or other agricultural workers accommodation previously serving the agricultural unit concerned has been sold off separately from the unit to persons not employed on the farm, within the preceding five year period; or**
- (ii) an agricultural occupancy condition previously attached to a residential property serving the agricultural unit concerned has been removed by the Council in the preceding five year period.**

The Council will not generally be supportive of proposals for new agricultural workers houses where the farm unit to which the proposal relates has been established for a period of less than two years. The siting of a residential caravan to accommodate an agricultural worker for a limited period may be considered acceptable with regard to newly established farm units where this can be fully justified to meet the operational requirements of the unit.

(ix) Policy RES17

The Council will be supportive of proposals for very low density housing developments (also known as 'Lowland Crofting') within the Rural Diversification Area as shown on the Local Plan maps, subject to the following criteria:

- (i) the proposal comprises an integrated farm restructuring for a whole farm unit or for other areas, not less than 20ha in extent, considered large enough for comprehensive treatment. The density of any residential development permitted shall not exceed 10 houses per 50ha of site area and the minimum plot size shall be 1.0ha;**
- (ii) a minimum of 30% of the gross area involved shall be devoted to woodland and wildlife habitat uses with full access afforded to the general public. The creation of additional woodland planting and natural habitat will be required to meet any deficit in this provision;**
- (iii) each residential unit will require to incorporate an integrated workplace or business function appropriate to and compatible with**

its rural location. Intrusive developments of a business or commercial nature which are detrimental to the amenity, character and appearance of the rural area will not be permitted;

- (iv) all elements of the proposed development will require to be sympathetic to its rural location in terms of size, scale, design, siting, material finish, landscaping and screening;
- (v) the residential units and their associated workplace or business elements should, wherever possible, be grouped together in discrete areas to facilitate servicing and to reduce their environmental impact; and**
- (vi) the development will require to be subject to a formal Section 75 Agreement with the Council, guaranteeing and controlling:
 - (a) the implementation, management and maintenance of all woodland planting, landscaping, nature conservation and public access arrangements in respect of the development; and
 - (b) the use and maintenance of all land associated with the development and, in particular, the business or workplace elements forming an integral part of the development proposal.

6. RETAILING AND TOWN CENTRE POLICIES

- (i) Policy RTC2

Subject to the provision of all other retail policies, 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**1500m²; and
- (ii) all town centres if the proposed gross floorspace is less than 1500m².

- (ii) Policy RTC4

The types of development detailed in Schedule 5 of the Local Plan will be considered acceptable, in principle, **within town centres and** on those development opportunity sites identified as being suitable for such purposes on the Local Plan maps.

(iii) Policy RTC5

With the exception of the types of development detailed in Policy RTC7 below, where developments of the types detailed in Schedule 5 of the Local Plan are proposed in locations outwith town centre boundaries **or on sites not identified as being suitable for such purposes** as shown on the Local Plan maps, these will require to be justified and will be assessed against the following criteria:

- (i) their compliance with the sequential approach detailed in Policy RTC1 above;
- (ii) the extent of the development's catchment area and the effect of the development either individually or cumulatively with similar existing or approved developments on the vitality and viability of town centre, neighbourhood centres or local retail facilities within that catchment area;
- (iii) the accessibility of the site by a choice of means of transport and the effect of the development on overall travel patterns and land use;
- (iv) the compatibility of the use with surrounding land uses;
- (v) the quality of the design and finish of the proposal and its contribution to the environmental quality, character and amenity of the area;
- (vi) the compatibility of the proposal with all other policy objectives of the Local Plan; and
- (vii) the implications that the development would have on existing infrastructure and the trunk and local road networks.

(iv) Policy RTC7

Retail development proposals in out-of-town centre locations will be supported where:

- (i) the proposal relates to a site specifically identified for such purposes on the Local Plan maps;
- (ii) the proposal is for a local shop or shops, not exceeding a total of 200m² gross floor area and falling within Class 1 of the Use Classes Order, required to meet the day to day convenience needs of local residents. New local and top-up shopping provision in existing neighbourhood or local shopping centres will be particularly

supported by the Council and preference will be given to the re-use of existing vacant retail premises rather than new build developments;

- (iii) the proposal is for a factory shop, not exceeding 200m² gross floor area and falling within Class 1 of the Use Classes Order, where the retail outlet is purely ancillary to the main manufacturing use of the premises and the goods sold are limited exclusively to those goods manufactured on site. In cases where a number of factory retail outlets, unrelated to their manufacturing base, are grouped together to form a Factory Outlet Centre, the development will be treated as a normal retail development and will be assessed accordingly;
- (iv) the proposal is for a farm shop, falling within Class 1 of the Use Classes Order, related specifically to local agricultural or horticultural activities and where the goods sold are limited exclusively to those produced or grown on site;
- (v) the proposal is for a tourism, **leisure or recreation** related retail development including provision for the sale of refreshments **not exceeding 200m² gross floor area** where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed; **or**
- (vi) the proposal is for the sale of coal or other minerals direct from an extraction site, either to local distributors or to individual members of the general public for local domestic use.

(v) Policy RTC8

In settlements with no town centre boundary indicated on the Local Plan maps, **the Council will encourage and support the re-use of properties currently falling within the classes of development detailed in Schedule 5 of the Local Plan for alternative purposes, only where it can be demonstrated to the satisfaction of the Council, that an appropriate, alternative Schedule 5 use cannot be found. Within such settlements,** proposals for those types of development detailed in Schedule 5 of the Local Plan will be assessed on their own merits and will be considered acceptable where the proposals:

- (i) do not exceed 200m² gross floor area;
- (ii) meet with the Council's design and layout policies;
- (iii) meet with the requirements of the Council as Roads Authority;

(iv) do not have a detrimental effect on the amenity of adjacent properties by reason of noise, litter, odour, or any other nuisance or disturbance; and

(v) are compatible with surrounding land uses.

(vi) Policy RTC10

Where a property **falling within the Classes of development detailed in Schedule 5 of the local plan** becomes vacant or where a gap or infill site is available for redevelopment **within Town Centres**, the Council will encourage and support the re-use of the property or redevelopment of the site for **appropriate** similar Schedule 5 uses. The re-use of such properties or the redevelopment of the land to an appropriate residential or other alternative use not included in the above mentioned classes will be acceptable only where:

(i) it can be demonstrated, to the satisfaction of the Council, that an appropriate use falling within the Classes described in Schedule 5 cannot be found; and

(ii) the proposed use of the property is sympathetic to the character and amenity of the area concerned.

Note:-

1. The policy does not apply to ground floor premises within the Kilmarnock Core Shopping Area which is covered by policy RTC4 above.

2. The re-use of vacant first floor premises above retail properties for residential use is addressed by Policy RES6 (ii).

(vii) Policy RTC11

The Council will safeguard the area extending eastwards from the Palace Theatre, as indicated on the Kilmarnock Local Plan map, for the following uses:

(i) Class 10, non-residential institution;

(ii) Class 11, assembly and leisure; or

(iii) Sui-Generis theatre uses

as detailed in the Use Classes Order 1997. **Residential proposals which meet the criteria identified in Policy RES7 will also be considered acceptable within this area.**

(viii) Policy RTC19

All applications for Amusement centres will be directed to existing town centres. However, such developments are **unlikely to be** acceptable:

- (i) **at ground floor level** within the Kilmarnock Core Shopping Area;
or
- (ii) where there would be any detrimental impact on the amenity of nearby residential properties, **schools, places of workshop, hospitals, hotels, or other sensitive establishment which generally require and enjoy a high level of environmental quality** by reason of noise or other disturbance.

(ix) **New Policy RTC**

Within the Kilmarnock Core Shopping Area as indicated on the Kilmarnock Local Plan Map, the Council will:-

- (i) **encourage and support the continuing use of existing ground floor retail floorspace for retail purposes; and**
- (ii) **encourage and support the use of any vacant ground floor or upper floor floorspace, or existing ground floor or upper floor floorspace in non-retail use, for retail purposes; and**

The change of use of existing ground floor retail premises or the use of vacant ground floor premises for non-retail use will only be acceptable to the Council where the proposed use comprises a Class 2 financial, professional and other services use, a Class 3 food and drink use or a sui generis public house use, as detailed in Schedule 5 of the Local Plan. Notwithstanding this provision the Council will ensure that the ratio of gross non-retail to retail ground floor floorspace within the core area does not exceed 1:3.

For the purposes of this policy, 'retail use' comprises those uses falling within Class 1 of the Town and Country Planning (Use Classes)(Scotland) Order 1997.

(x) New Policy RTC

The Council will generally be supportive of proposals to extend existing premises used for purposes detailed in Schedule 5 of the Local Plan where the extension:-

- (i) is of a size and scale appropriate to the premises concerned;**
- (ii) does not create a total gross ground floor floorspace of more than 200m²; and**
- (iii) is of a high quality design and finish.**

Any extension which would result in a total gross ground floor floorspace in excess of 200m² will be assessed on its own merits against the provisions of Policy RTC5, criteria (i) to (vii) as detailed above.

7. COMMUNITY AND SERVICE INFRASTRUCTURE POLICIES

(i) Policy CS5

The Council will require all applicants for landfill waste disposal sites:

- (i) to submit detailed planning applications. Outline applications will not be acceptable;**
- (ii) to demonstrate the need for the proposed development;**
- (iii) to submit formal Environmental **Impact** Assessments in association with the application;**
- (iv) to lodge appropriate Restoration and Aftercare Bonds to a value agreed by the Planning Authority;**
- (v) to establish Liaison Committees with local representatives, to act as a forum through which relevant operational and associated issues can be discussed and addressed;**
- (vi) to meet the requirements of the Council's Waste Management Scheme and Waste Disposal Strategy;**
- (vii) to upgrade, maintain and repair at their own expense, road damage shown to have been caused by vehicles servicing their developments;**

- (viii) **to strictly observe a minimum 500 metre separation distance between the void of any landfill site and nearby settlements. Shorter separation distances may be considered acceptable between the void of a landfill site and individual or small groups of dwellings where an agreement between all interested parties can be reached; and**
- (ix) to service any existing or proposed landfill site, if considered feasible and appropriate to the site concerned, by rail.

The Council, if mindful to grant planning permission for a landfill waste disposal site will, in all cases, request an applicant to enter into an agreement with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997 in order to regulate such matters as cannot be adequately regulated by the imposition of planning conditions.

(ii) Policy CS9

Where a wind turbine is not in operation producing electricity for a continuous period of six months, **the operator will require to provide evidence to the Council that the apparatus is in the process of being repaired or replaced. Otherwise, the Council will deem the turbine to be surplus to requirements and must be removed, with the land restored to its original condition within an appropriate period to be agreed with the Council.**

(iii) **New Policy CS**

In formulating their development proposals, telecommunications operators will be requested:-

- (i) **to locate installations, wherever possible, at least 100m from continuously occupied premises in educational, health service or residential use; and**
- (ii) **to indicate on their submitted plans, areas where there would be the greatest intensity of emissions.**

Telecommunications operators will be encouraged to share masts and other operational facilities with other operators.

8. TRANSPORT POLICIES

(i) Policy T1

The Council will actively seek to integrate and achieve improvements to the **local and** strategic road, rail, **cycle and footpath** infrastructure within East Ayrshire and to improve links with the national networks in line with the Local Plan's Transport Development Strategy.

(ii) Policy T2

The Council will seek to ensure that the travel demands of all significant new development proposals can be met by the provision of an integrated and safe transport infrastructure. In particular developers should ensure that their proposals:-

- (i) are capable of being served by regular and frequent transport services;**
- (ii) incorporate, where necessary, clearly sign posted and well-lit footpaths and cycle routes between the development and existing or proposed local community and other facilities, transport interchange points and nodes etc;**
- (iii) incorporate all necessary measures to minimise pedestrian and vehicular conflict;**
- (iv) incorporate appropriate traffic calming measures where considered necessary; and**
- (v) incorporate adequate disabled parking and parking for bicycles as considered appropriate.**

(ii) Policy T7

The Council will, in principle, be supportive of any suitable proposal to establish a motorway service station at Kingswell near the junction of the M77 and the B764 Eaglesham Moor Road as shown on the Local Plan Rural Area Map, provided that environmental and access requirements can be met.

(iii) New Policy T

The Council will, wherever it is possible and feasible, strongly encourage the transportation of freight by rail rather than by road. The provision of

new rail heads in connection with the development of new minerals developments and major new industrial developments which generate significant volumes of goods traffic will be particularly encouraged.

9. ENVIRONMENT POLICIES

(i) Policy ENV5

The Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes. In instances where a proposed development affects an Historic Garden or Designed Landscape which is included in the 'Inventory of Historic Gardens and Designed Landscapes in Scotland' a landscape management plan will require to be submitted as an integral part of any application submitted to the Council for consideration. **Outline planning applications for such developments will not be accepted by the Council.**

(ii) Policy ENV10

The protection and enhancement of areas of nature conservation interest within the Local Plan area will be achieved as follows:

- (i) There will be an overriding presumption against development which could adversely affect sites designated or proposed for designation as Special Protection Areas and Special Areas for Conservation. Development will only be permitted where an assessment of the proposal indicates that it will not adversely affect the integrity of the site, that there are no alternative solutions and that there are reasons of overriding public interest, including those of a social or economic nature;
- (ii) There will be a presumption against development which could adversely affect Sites of Special Scientific Interest **and National Nature Reserves**. Development would only be permitted where the overall integrity of the site would not be compromised or where any significant adverse effects of the development are clearly outweighed by social or economic benefits of national importance;
- (iii) Development likely to adversely affect local nature reserves and listed wildlife sites (see Appendix 2) will be resisted and all sites of recognised nature conservation value will be safeguarded whenever possible. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites' biological or geological interest and to provide for replacement habitats or features where damage is unavoidable;

- (iv) Local nature reserves will be designated as considered appropriate after full consultation with and agreement of all interested bodies; and
- (v) Encouraging the management and conservation of existing landscape features which are of major importance for wild fauna and flora, including linear features such as rivers and existing field boundaries and other features such as ponds and small woods which are essential for the migration, dispersal and exchange of wild species.

(iii) Policy ENV17

In areas that are known to have flooded in the past, a precautionary approach to development will be pursued. The Council will require any developer wishing to develop land which has been known to flood in the past to fully investigate the implications of flood risk on their proposals and on adjoining land and property. Appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced. The Council will consult with the Scottish Environment Protection Agency on any development proposals in areas of known flood risk **in terms of the SEPA/Planning Authority Protocol on Flooding Issues** and will expect developers to enter into agreements with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997, to provide and finance any necessary flood prevention infrastructure that may be required in association with their proposed developments.

(iv) Policy ENV18

In cases where a development is proposed on land which is known or suspected to be contaminated, the Council will require the developer to investigate and identify the nature of the contamination and detail the remedial measures to be undertaken to treat or remove the contamination, as an integral part of any submitted planning application. **In this regard, developers will be required to carry out a Risk Assessment of the development site as detailed in NPPG33 (revised 2000): Development of Contaminated Land, Annex 1.**

AGENDA

Stephen Chorley
Director of Development Services
04 December 2000
(JL/MMM)
Local Plan