

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001

**01/0096/FL: PROPOSED ERECTION OF NEW GREENHOUSE
AT BLACKWOOD ROAD, MOSCOW
BY SUNNYSIDE COTTAGE GARDENS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal is for the erection of a new greenhouse. The greenhouse would be located adjacent to the approved standing out areas for the nursery business. The proposed new greenhouse would be in addition to the previous approval on this site (Ref: 99/0612/FL) for 4 tunnel greenhouses and associated parking. This consent was granted by the Scottish Executive following an Appeal on 27 June 2000. The greenhouse measures 9.15m x 26m and comprises aluminium framing with reinforced polycarbonate safety glazing. The maximum height of the greenhouse is 4.3m.

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 is indicated at para 5.2 of the report, the application is considered to be generally 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to this application which weigh in favour of the development.

**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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AT BLACKWOOD ROAD, MOSCOW
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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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the north west of Moscow. The site is on the south side of the U17 Blackwood Road immediately west of Blackwood Farm.

2.2 **Proposed Development:** The proposal is for the erection of a new greenhouse. The greenhouse would be located adjacent to the approved standing out areas for the nursery business. The proposed new greenhouse would be in addition to the previous approval on this site (Ref: 99/0612/FL) for 4 tunnel greenhouses and associated parking. This consent was granted by the Scottish Executive following an Appeal on 27 June 2000. The greenhouse measures 9.15m x 26m and comprises aluminium framing with reinforced polycarbonate safety glazing. The maximum height of the greenhouse is 4.3m.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division have no objections to the proposal.

Noted. The previous consent (Ref: 99/0612/FL) for change of use from agriculture to agriculture including retail sales and erection of 4 tunnel greenhouses included car parking for 36 vehicles, improved vehicle access and passing places on Blackwood Road.

3.2 The Coal Authority have no adverse comments on this proposal.

Noted.

3.3 SEPA have no objection to this proposal as it should not significantly affect their interests.

Noted.

3.4 West of Scotland Water has no comment to make regarding this application.

Noted.

3.5 Moscow and Waterside Community Council object to the application on the grounds that the access road to this development is not suitable for the amount of traffic either now or in the future. The road which goes past this development, regardless of the number of passing places is unsuitable for the expected increase in traffic and the passing places have not been upgraded as the Community Council understand they should have been.

As stated in para 3.1 above, the Roads Division have no objections to this proposal. A condition regarding the implementation of the passing places was attached to the recent appeal consent (Ref: 99/0612/FL) on this site which requires that the passing places be formed prior to any retailing taking place on the site. Since no retailing has commenced on site the applicant is not in breach of any consent.

4. REPRESENTATIONS

Two letters of objection received with 3 signatories (includes objection from Moscow and Waterside Community Council).

The main objections to the current application are as follows:-

4.1 It will further diminish the visual amenity for the occupiers of Blackwood Farm and as viewed from the surrounding countryside and has been sited in such a way as to maximise the visual impact from all aspects.

The approved development on this site currently permits 4 greenhouses and a 36 bay car park. The proposed greenhouse is sited to the south west corner of the car park. It is accepted that this greenhouse will be visible from the upper floors of Blackwood Farm however, it is considered that the additional impact this one greenhouse will have is not significant enough to merit refusal of the application.

4.2 Expansion of the business will further diminish the amenity of the occupiers of Blackwood Farm in other respects. In particular, more retailing will mean more cars, more noise, a higher level of weekend activity, a larger impact on the rural environment, lack of privacy, security lights, and in general further harm to the character of the previously isolated rural property of Blackwood Farm in many respects, not to mention the ongoing disturbance as building work on the site continues.

It is not anticipated that there will be a significant increase in activity due to the addition of the proposed greenhouse. As stated above, the proposed site of the greenhouse is south west of the car park and is approximately 100m from Blackwood Farm. It is therefore not considered that there will be any additional lack of privacy as a result of this development. In addition, there is no reference in any proposals to include security lighting.

4.3 Expansion of the business is development of out-of-town retailing and this is not a farm shop merely being developed to sell produce already grown on the land.

The proposed greenhouse is intended for growing plants with a cash register to be located at the door to pay for plants purchased. It should be noted that this proposal relates only to the erection of a greenhouse since the market garden has previously been approved following an appeal to the Scottish Executive.

4.4 The road is inadequate, with or without the passing places and expansion of the business will mean increased use of the road.

As stated in para 3.1 above, the Roads Division have no objections to this proposal. A condition regarding the implementation of the passing places was attached to the recent consent (Ref: 99/0612/FL) on this site which requires the passing places to be formed prior to any retailing taking place on site.

4.5 Doubling the internal growing area will make more demands on the poor water supply.

West of Scotland Water were consulted on this proposal and have no objections.

4.6 In view of the stringent conditions imposed by the Scottish Executive in approving the previous application on this site (Ref: 99/0612/FL), in particular with respect to only selling goods grown or produced on the site, and due to the location of the site, which is not in a good catchment area and is in an exposed windy position with severe frosts, we would question whether the proposed business is really commercially viable. If not, there is no benefit to the community, nor indeed to the applicants, in further expansion of this site. In contrast to the polytunnels, the proposed building would be permanent (with foundations).

The commercial viability of a proposal is not a material planning consideration and therefore cannot be taken into account in the determination of this planning application.

4.7 The fact that the applicants are applying for a substantial expansion to their plans before they have fully implemented the previous plans indicates to us that the original business as proposed was not sustainable.

The commercial viability of a proposal is not a material planning consideration and therefore cannot be taken into account in the determination of this planning application.

4.8 The applicants propose to place the building which is 26m by 9m and over 4m tall (about the size of 2-3 houses), in a very prominent and elevated position both from Blackwood Farm and from the surrounding area. Viewed from Blackwood Farm this positioning results in doubling the width of the building on site. Alternative positioning would dramatically lessen the visual impact. For example, based on the approved plans there is ample space for the greenhouse to be placed adjacent and end on to the road beside the polytunnels and the greenhouse would then be virtually obscured from the occupants at Blackwood Farm by the existing polytunnels. Further, it would be in a lower position, and would be screened from the road and adjacent fields by the implementation of the applicants' previously approved landscaping plans and would make the collection of buildings on the site much more self-contained thus minimising the visual impact for everyone.

In the Scottish Executive's decision letter on planning application No 99/0612/FL it was stated that "it is a well established principle that no one is entitled to a view over land in separate ownership, and that, subject to normal planning constraints, owners are entitled to develop their land as they see fit".

4.9 Whilst it is recognised that the applicants have landscaping plans that are likely to vastly improve the site, these will take a long time to come to fruition and the species chosen are alien to the countryside and so the development will never blend into the countryside. Meantime, the site currently consists of white plastic polytunnels which flap in the wind, an ugly grey large portacabin, a great deal of mud, stone hard core and extensive and tall windbreak material which is an unnatural bright turquoise-green and in no way blends into the countryside. The detrimental effect on visual amenity will be further compounded if the applicants are allowed to erect this proposed greenhouse.

The landscaping scheme for the previous approved development has been assessed and accepted by the Department of Community Services Arboricultural Officer. Current works on site are as a result of constructing a development which has planning approval and therefore a certain level of visual disruption is justifiable during this process.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Ayr County Development Plan (1953).

5.2 The Adopted Ayr County Development Plan is now considerably out of date. Nevertheless, within this Plan the site is identified as being agricultural land. The Plan also notes that Ayrshire was a significant producer of market garden crops and was one of Scotland's premier market garden areas. Before 1914 there were only 9 market gardens in the Ayr District but by 1948 there were 30, covering a greatly increased area. In addition there was a large number of small producers of vegetables, fruit and flowers, whose holdings were usually less than 1 acre in extent and were mostly situated on coastal arable land. The determining factors in locating market gardens are climate and the proximity of urban markets where the produce can be retailed. In 1950 there were in the County 2,140,000 sq ft under glass, an area second only to Lancashire with 5,500,000 sq ft of glass.

It is therefore considered that this application for a greenhouse is not contrary to the Ayr County Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the planning history of the site and the objections received.

6.2 The Adopted Ayr County Development Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered a prime material consideration.

The site is located within the Rural Protection Area of the EALP. It is not considered that there are any policies specific to the current proposal although it should be noted that the wider issue of growing produce and subsequently selling it from the same rural location remains consistent with the emerging Local Plan. The current proposal does not raise any policy issues.

6.3 Planning History.

An application for the change of use from agriculture to agriculture including retail sales and erection of 4 tunnel greenhouses and to form a new access/car parking was approved on 27 June 2000 by the Scottish Executive following an appeal. The Local Planning Committee had considered this application on 26 November 1999 and refused the development on the basis it would be detrimental to visual amenity. The following statement is included in the Reporter's conclusions regarding the appeal:

“Polytunnels are commonly found in the countryside. I am satisfied that with the imposition of landscaping conditions, the visual impact of the car park, sales area and polytunnels could be satisfactorily contained, both for the occupants of the farmhouse and passers by. It is a well established principle that no one is entitled to a view over land in separate ownership, and that, subject to normal planning constraints, owners are entitled to develop their land as they see fit”.

6.4 The objections are considered in detail in Section 4 above and are not considered to be of sufficient weight as to merit refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As is indicated at para 5.2 of the report, the application is considered to be generally 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 approved unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to this application which weigh in favour of the development.

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

03 April 2001
(YM/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation Replies.

3. Letters of objection.
4. Correspondence from/to the applicant.
5. Irvine Valley Local Plan/Finalised Kilmarnock and Loudoun District Plan/East Ayrshire Council Local Plan (Finalised Version as Modified).
6. Previous Planning Applications: 99/0612/FL.

Anyone wishing to inspect the above papers please contact Yvonne Mitchell on 01563 576771.

Implementation Officer: Dave Morris

010096FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0096/FL

Site of Proposal:	Blackwood Road MOSCOW
Natural of Proposal:	Proposed Erection of New Greenhouse
Name & Address of Applicant:	Sunnyside cottage Gardens Ltd Sunnyside CRAIGIE Kilmarnock KA1 5LR
Name & Address of Agent:	Michael A V Boston The Victoria Stamping Works 34 Somerset Road AYR KA8 9LZ

DPOs Reference: YM/MMM

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

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 and the Town and Country Planning (Use Classes)(Scotland) Order 1997, this approval only permits the retailing of goods which are produced or grown on site.

REASON To safeguard the vitality of adjacent town centres.

2. No retailing shall take place on the site before the access to the main road (U17) has been constructed to Roads Department standards and passing places on U17 have been formed in accordance with the attached plan.

REASON In the interests of road safety.

3. The first 2 metres of the access within the site boundary shall be surfaced in order to prevent deleterious materials being deposited on the public road.

REASON In the interests of road safety.

4. Notwithstanding the submitted plans, visibility splays of 2.5 x 90 metres shall be formed at the junction of the access and the public road, and these splays shall be maintained at all times free of any obstruction to visibility higher than 1 metre.

REASON In the interests of road safety.

5. Any gates at the access shall be no closer than 6 metres from the road channel and shall open away from the public road to prevent obstruction.

REASON In the interests of road safety.

6. A total of 36 car parking spaces shall be provided, maintained, and delineated on site in accordance with the approved plans and shall be in place prior to commencement of any retail sales activity on site.

REASON In the interests of road safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, the written consent of the Planning Authority shall be sought prior to the erection of any security lighting on site.

REASON In the interests of residential and visual amenity in an otherwise rural locations.

010096FL

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA