

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

**01/0442/OL : PROPOSED ERECTION OF 7 DWELLINGHOUSES,
FORMER SITE OF THE KYLE KNITWEAR FACTORY AND BALLOCHMYLE
HOSIERY, NEWTON TERRACE, CATRINE**

APPLICATION BY EARLSTON HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of seven dwellinghouses on the site. An indicative layout plan has been submitted by the applicant indicating that the site will be cleared and accessed via an extension of the existing road turning head at Newton Terrace.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at Paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.3 above, there are material considerations relevant to the determination of this application. In this regard however, the proposal is contrary to the provisions of the EALP (Finalised Version with Modifications).

3.2 No letters of representation have been received in respect of the application.

3.3 No adverse consultation replies have been received.

3.4 Should the Committee be minded to approve the application, this would represent a significant departure from policy and the application would require to be referred to the Development Services Committee for consideration.

Alan Neish

Head of Planning & 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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APPLICATION BY EARLSTON HOMES

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 under the Scheme of Delegation as the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site lies to the rear of Newton Street, Catrine, within the Catrine Conservation Area, and is accessed via Newton Terrace. It measures approximately 0.53 hectares in area and is generally level. The application site comprises the site of the former Kyle Knitwear Factory and Ballochmyle Hosiery. The majority of the industrial buildings which previously occupied the site have been demolished and much of the site has been cleared, although sections of concrete foundations remain. A disused building, associated with the former use, stands, nevertheless, on the north-eastern part of the site and is in a ruinous state.

2.2 The site is bordered to the north by the rear gardens of the residential properties on Newton Street, and to the west, south and east by open space. Further residential properties on Newton Terrace lie adjacent to the north eastern corner of the site.

2.3 **Proposed Development:** Outline planning permission is sought for the erection of seven dwellinghouses on the site. An indicative layout plan has been submitted by the applicant indicating that the site will be cleared and accessed via an extension of the existing road turning head at Newton Terrace.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal subject to conditions in respect of the extension of the existing carriageway and footways, visibility at all road junctions within the site, the standard and construction of all roads, footways and private driveways and the location of any garages.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission to meet the requirements of the Roads Division.

3.2 The West of Scotland Water Authority has no objection to the proposal provided its operational requirements are met.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.3 Scottish Power has no objection to the proposal provided its apparatus is suitably safeguarded during construction.

Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.

3.4 The Coal Authority has no objection to the proposal.

Noted.

3.5 The Architectural Heritage Society of Scotland has no objection to the proposal provided the design and materials to be used on the dwellinghouses are appropriate in terms of the location of the site within the Conservation Area.

Should the application be approved, appropriate conditions in respect of the above can be included on the planning permission to ensure that the design and use of finishing materials respect the location of the site within Catrine Conservation Area.

4. REPRESENTATIONS

4.1 No representations have been received in respect of the application.

Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Catrine and Sorn Local Plan (1984). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application site forms part of a larger site identified as an area safeguarded for industrial development. The

application therefore requires to be determined with regard to Policy 4.4.3.A which presumes in favour of industrial development on designated sites.

As the development would result in the loss of industrial land to residential use, the proposal is contrary to the site's designation in the Adopted Catrine-Sorn Local Plan and to the provisions of Policy 4.4.3.A.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal consideration relevant to the determination of the application is the East Ayrshire Local Plan (Finalised Version with Modifications).

6.2 The Adopted Local 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 as a prime material consideration.

6.3 The application site is identified as a site safeguarded for industrial and business uses in the EALP. Policy IND5 states that proposals for development outwith Use Classes 4, 5 and 6 will not be permitted on such safeguarded sites.

It is considered that residential development of this safeguarded site is contrary to its designation and to the provisions of Policy IND5 of the EALP.

7. FINANCIAL OR 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 is indicated at Paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Paragraphs 6.2 to 6.3 above, there are material considerations relevant to the determination of this application. In this regard however, the proposal is contrary to the provisions of the EALP (Finalised Version with Modifications).

8.2 No letters of representation have been received in respect of the application.

8.3 No adverse consultation replies have been received.

8.4 Should the Committee be minded to approve the application, this would represent a significant departure from policy and the application would require to be referred to the Development Services Committee for consideration.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
DS/SMB/FGD
29 August 2001

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation replies.
3. Statutory Notices.
4. Adopted Catrine and Sorn Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Location	Newton Terrace CATRINE
Nature of Proposal:	Proposed Erection of 7 Dwellinghouses
Name and Address of Applicant:	Earlston Homes Caledonia House Longford Avenue KILWINNING
Name and Address of Agent	BSP Architects 3 Claremont Terrace GLASGOW G3 7YR

DPO's Ref: [Derek Scott]
PPO's Ref: []

The above **OUTLINE** application should be refused on the following grounds:-

1. The proposed development would result in the loss of industrial land to residential use and therefore the proposal is contrary to Policy 4.4.3.A of the Adopted Catrine-Sorn Local Plan and to the site's designation for industrial development in the Local Plan which presumes in favour of industrial development on the site.
2. The proposed development of the site would result in the loss of land safeguarded for industrial use and therefore the proposal is contrary to Policy IND5 of the East Ayrshire Local Plan (Finalised Version with Modifications) and to the site's designation for industrial development in the East Ayrshire Local Plan which provide that development outwith Use Classes 4, 5 and 6 will not be permitted on safeguarded sites.

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AGENDA