

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 13 JUNE 2008**

**07/0136/OL: CONSTRUCTION OF A SEPARATE UNIT OF A FURTHER 10  
COTTAGES AND COMMON ROOM FOR SINGLE, ELDERLY/DISABLED  
PERSONS AT 11 SKEOCH ROAD, MAUCHLINE**

**APPLICATION BY JEAN ARMOUR BURNS HOUSES LTD**

**Report by Head of Planning and Economic Development**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Outline planning permission is sought for the residential development of ground immediately adjacent to the existing Jean Armour Housing group to the north and north east.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement, under Section 75 of the Town and Country Planning (Scotland) Act 1997, with the developer in terms generally as described in section 7.2 of the main report.

#### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is not considered to be 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 material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. Not the least of these is the fact that whilst the proposal fails key residential policy tests, there are other factors which weigh in its favour.

3.2 The proposal seeks to establish a similar residential development to the existing Jean Armour Burns Housing units, specifically for the use of single elderly/disabled persons on vacant land directly adjacent to the north of the existing terraced group of houses. The proposal does not comply with Policy

RES13 as the application site is located outwith the settlement boundary of Mauchline. However, a persuasive social justification has been provided, which makes a very strong case in support of the proposal.

3.3 The development can reasonably be viewed as an extension to existing social rented housing and in this regard the positive comments of the Head of Housing are noted. As indicated previously the development can be justified in terms of social and economic benefit to the community. Given the use of a legal agreement to ensure the specific client group over future years, material considerations in this specific instance outweigh the terms of the adopted local plan and the application can be supported.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee because that would not represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning and Economic Development**

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.

# EAST AYRSHIRE COUNCIL

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**APPLICATION BY JEAN ARMOUR BURNS HOUSES LTD**

**Report by Head of Planning and Economic Development**

## **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 as the application raises new or significant issues meriting determination of the proposal at Committee.

## **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located to the north of the settlement of Mauchline outwith the settlement boundary and on land to the north east side of Tarbolton Road. The ground surrounding the application site to the north, east and west consists of relatively level agricultural ground. The land to the south and south east of the site takes the form of a residential development - the Jean Armour Burns Houses. This comprises a single storey terraced row of cottages forming an L-shaped layout fronting onto Tarbolton Road, with associated access and parking provided to the rear. The layout and house design is simple and traditional within its semi rural location, finished in a slate roof covering and red facing brick external walls. The site is bounded to the west by an existing beech and hawthorn hedge which runs the full length of the road frontage and to the rear by a simple post and wire fence.

2.2 The application site is in agricultural use, is almost perfectly level and covers a total area of 0.367 hectares.

2.3 **Proposed Development:** Outline planning permission is sought for the residential development of ground immediately adjacent to the existing Jean Armour Housing group to the north and north east.

## **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Mauchline Community Council has not responded to the consultation letter.

***Noted.***

3.2 East Ayrshire Council Roads Division has raised no adverse issues on road safety grounds subject to the following conditions:

- (i) Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads Department standards.
- (ii) The developer shall provide a 2m wide footway across the frontage of the site which shall require construction consent.
- (iii) Junction visibility splays of 2.5m by 120m shall be provided at the access point with the C35 with no structures over 1m in height allowed within these areas.
- (iv) No surface water shall discharge from the site onto the adjacent public road/footway.
- (v) The existing public road across the full frontage of the site shall be widened to 5.5m.

***Noted. Should the application be granted, appropriate conditions in respect of the above can be attached to the planning permission.***

3.3 Scottish Power has no objection to the proposed development.

***Noted.***

3.4 Scottish Water has no objection to the proposed development.

***Noted.***

3.5 The Scottish Environment Protection Agency has no objection in principle to the proposed development provided that all foul drainage is connected to the public sewer with all surface water from the site being treated in accordance with the principles of the SUDS Manual (C697) which was published by CIRA in March 2007.

***The above comments can be attached as a planning condition/advisory note to any consent granted.***

3.6 Scotland Gas Networks has no objection to the proposed development provided that no mechanical excavations take place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system.

***The above comments can be attached as a planning condition / advisory note to any consent granted.***

3.7 East Ayrshire Council Private Sector Housing Unit has no objection to the proposal and state that the general demand for accommodation within the Mauchline area is very high with a slow turnover resulting in a total of 232 people

currently awaiting council property. Of these applicants, 13% are in the over 60 age group and 4% require a one bedroom property. They would support the organisation in their move to provide additional units of housing for the client group proposed.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No third party representations have been received with regard to the proposed development.

***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 (2007) and the Adopted East Ayrshire Local Plan (2003).

##### Approved Ayrshire Joint Structure Plan

5.2 Policy COMM5 states throughout the rural areas there shall be a general presumption in favour of housing development within existing communities, the reuse and redevelopment of redundant buildings for housing, the development of infill sites within existing housing groups and clusters and the development of housing to meet the operational requirements of agriculture and other rural businesses.

***The proposal does not accord with the provisions of this policy.***

##### East Ayrshire Local Plan

5.3 Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances. Only three of these stated circumstances are pertinent to the application, these being where the development:-

(i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or

***It is considered that the proposal does not comprise an acceptable form of residential use as detailed in Policy RES 13 below and the subsequent assessment against Policy RES2.***

- (ii) can be fully justified in terms of site specific locational need; or

***No information has been provided by the applicant to demonstrate a site specific locational need other than the fact that the application site located adjacent to the existing Jean Armour Burns housing development.***

- (iii) can be fully justified in terms of social and economic benefit to the community; or

***It is considered that the proposal could be justified in terms of a social benefit to the community. However this is a strategic policy embracing all forms of development and it is necessary to consider the application against the specific residential policies.***

5.4 Policy RES13 is 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 for one of four stated purposes. None of those purposes is pertinent to the application under consideration.

***As the proposal cannot be assessed under Policy RES 13, the proposal must be assessed under Policy RES 2.***

5.5 Policy RES2 states that, 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 five stated criteria are fully satisfied, these being:

- (i) there is a demonstrated shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area;

***It is considered that there is no demonstrated shortfall in the supply of effective housing land with the East Ayrshire Housing Market.***

- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;

***It is considered that the site cannot be demonstrated to be effective or contribute to output during the shortfall period.***

- (iii) the proposal meets the terms of the Housing Development Strategy of the Local Plan;

***It is considered that the proposal does not meet with 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

***The Roads and Transportation Division and other service providers have provided consultation responses which do not raise any infrastructure objections to the proposed development.***

(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.

***As the proposal is in outline, no information has been provided on the design and layout of the proposal. However, it is considered that the proposal would, subject to appropriate design and use of finishing materials, have relatively minimal impact on the surrounding visual and natural environment.***

5.6 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan. The policy also allows those standards quoted to be relaxed in respect of the conversion of existing properties to flats where this can be fully justified by the developer and where considered appropriate by the Planning Authority.

***Due to the this proposal being in outline form no specific details have been provided on the amount of private open space to be included in the development.***

5.7 Policy CS1 indicates that the Council will respond positively to changing needs and demands for community and educational facilities and that support and encouragement will be given to community facility and public service organisations to maintain and improve the services they provide.

***The existing Jean Armour Burns houses were first erected some 60 years ago and today offer accommodation for 10 single persons who are elderly, infirm or have health difficulties. This is therefore a longstanding facility of significant benefit to the community. The additional units proposed represent a valuable extension to the facility and to that extent are consistent with Policy CS1.***

***Overall, and taking cognisance of the relevant policies, the principle of the development at this location cannot be considered to be acceptable in terms of the Development Plan.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the applicants supporting statement.

### Consultation Responses

6.2 The consultation responses have not raised any issues which would indicate that the application should be refused.

### Supporting Statement

6.3 The Jean Armour Burns Houses Ltd is now a provider of social housing to the Cumnock community based in Mauchline. The complex offers good quality housing for single persons a facility lacking in East Ayrshire. The Jean Armour Burns Houses Ltd is a registered charitable company who own 11 attached cottages on Skeoch Road in Mauchline. Until late 2004 the houses were providing rent free accommodation for the elderly. Each house has a living room bedroom, kitchen and bathroom to provide accommodation for 1 person. The complex includes a care takers cottage, a common room and a laundry room.

6.4 This proposal would take the rented cottages available for social housing to 20 units. The Jean Armour Burns houses are servicing a need for social housing of this type and standard in this community which is not currently offered by others.

6.5 Up to 2005, the Jean Armour Burns Houses Ltd relied solely on charitable donations to meet all costs associated with the upkeep of the houses, but the company was running out of funds. With the support and advice from East Ayrshire Education and Social Housing Department, the company put leases in place and began charging modest rents to our existing residents, who until then lived rent free and set fair rents for new tenants.

6.6 In 2005 we had run very low on funding and had to change direction. The options were to close the houses and ask East Ayrshire to find accommodation for our residents or take on the mantle of a social Housing Landlord and continue to run the houses which is the direction which we have chosen. Our principal objectives are to ensure our current residents continue to have a roof over their heads and to preserve the cottages for the benefit of the local community in Mauchline, by offering cottages for rent as they become vacant.

6.7 In the last 18 months we have refurbished 4 cottages and offer them to the local community at a fair rent on short term tenancies to single persons meeting agreed criterion with regard to age and or infirmity. We have a caretaker whose main responsibility is the care of the buildings and gardens. They do offer social assistance to the residents by way of collecting pensions shopping and other

light assistance as required. No charge is applied for these services, they are funded from donations.

6.8 We own sufficient ground to build a similar number of cottages as a mirror image of the current development. This would allow us to build a further development of 10 similar style cottages and help secure the future of the complex and allow the Jean Armour Burns Houses to continue to provide quality social housing for the elderly and infirm into this community at a fair rent.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial for the Council in the determination of this application.

7.2 Should members be minded to approve the proposed development a Section 75 legal agreement should be pursued to ensure that the site is developed only as a social housing development linked to the existing Jean Armour Burns Houses in the terms described in the applicant's supporting statement.

***Noted.***

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is not considered to be 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 material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application. Not the least of these is the fact that whilst the proposal fails key residential policy tests, there are other factors which weigh in its favour.

8.2 The proposal seeks to establish a similar residential development to the existing Jean Armour Burns Housing units, specifically for the use of single elderly/disabled persons on vacant land directly adjacent to the north of the existing terraced group of houses. The proposal does not comply with Policy RES13 as the application site is located outwith the settlement boundary of Mauchline. However, a persuasive social justification has been provided, which makes a very strong case in support of the proposal.

8.3 The development can reasonably be viewed as an extension to existing social rented housing and in this regard the positive comments of the Head of Housing are noted. As indicated previously the development can be justified in terms of social and economic benefit to the community. Given the use of a legal agreement to ensure the specific client group over future years, material

considerations in this specific instance outweigh the terms of the adopted local plan and the application can be supported.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet but that the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a legal agreement, under Section 75 of the Town and Country Planning (Scotland) Act 1997, with the developer in terms generally as described in section 7.2 of the report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee because that would not represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning and Economic Development**

RG/RG  
05 June 2008  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (2007)
6. Supporting statement prepared by applicant and Paige Design Practice
7. Jean Armour Burns Houses Ltd News Letter

Anyone wishing to inspect the above background papers should contact Robin Ghosh on 01563 555483.

***Implementation Officer: Dave Morris***

Application No: 07/0136/OL

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Location	11 SKEOCH ROAD, MAUCHLINE
Nature of Proposal:	CONSTRUCTION OF A SEPARATE UNIT OF A FURTHER 10 COTTAGES AND COMMON ROOM FOR SINGLE ELDERLY/DISABLED PERSONS
Name and Address of Applicant:	JEAN ARMOUR BURNS HOUSE LTD 11 SKEOCH ROAD, MAUCHLINE
Name and Address of Agent	PAIGE DESIGN PRACTICE MEIKLEWOOD BUSINESS CENTRE KILMARNOCK

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DPO's Ref: Robin Ghosh  
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be approved subject to the following conditions:-

- 1) The further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved. The development of the site shall not commence until all these reserved matters have been approved:
  - (a) the overall site layout/internal layout of the proposed residential development;
  - (b) the size, height, design and external appearance of the proposed dwellinghouses which shall take cognisance of the format of the existing Jean Armour Homes at Skeoch Road;
  - (c) the means of drainage and sewage disposal including the provision of a SUD system and details of any service diversions consequent on the development of the site;
  - (d) details of the access arrangements;
  - (e) the provision for car parking and turning within the site;
  - (f) the boundary walls/fences to be erected;
  - (g) the provision of private open space to East Ayrshire Council's standards;
  - (h) existing and finished site levels/floor levels.

REASON: The approval is in outline only.

- 2) Notwithstanding the provisions of Condition 1(a) above, the overall site layout shall reflect the layout of the immediately adjacent residential development.

REASON: In the interest of the rural visual amenity.

- 3) Notwithstanding the provisions of Condition 1(b) above, the development shall be no greater than 1.5 storeys and of a design consistent with the Council's Design Guidance for Residential Development in the Countryside.

REASON: In the interest of the rural visual amenity.

- 4) Notwithstanding the provisions of Condition 1(d) above, the access to the site shall be taken via a standard driveway access crossing to East Ayrshire Roads standards.

REASON: In the interests of road safety.

- 5) Notwithstanding the provisions of Condition 1(d) above, the visibility splay areas of 2.5m by 120m shall be formed and maintained at the new access point with no obstruction to visibility greater than 1 metre in height being allowed within these areas.

REASON: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

- 6) Notwithstanding the provisions of Condition 1(d) above, the existing public road across the full frontage shall be widened to 5.5 metres.

REASON: In the interests of road safety.

- 7) Notwithstanding the provisions of Condition 1(d) above, a 2 metre wide public footpath shall be constructed across the full frontage of the site.

REASON: In the interests of road safety.

**NOTES:**

1. The Scottish Environment Protection Agency (SEPA) requests that all surface water from the site is treated in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007. SEPA can be contacted on 01292 294000.