

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 03 SEPTEMBER 2010

**10/0139/PP: CHANGE OF USE OF LAND FROM AGRICULTURAL LAND
TO CEMETERY EXTENSION AND PROVISION OF ADDITIONAL CAR
PARK
AT NEW CUMNOCK CEMETERY, AFTON ROAD, NEW CUMNOCK
BY EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0139/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal comprises the change of use of the agricultural ground to form an extension to the existing cemetery as well as the provision of an additional car parking area on the west side of Afton Road. The cemetery extension ground will be utilised for new lairs, approximately 556 in total. The car parking area will be hard surfaced and will provide for approximately 35 cars. The application is partly retrospective in that initial site works have commenced which includes an initial ground scrape to expose soil for the cemetery extension and car park area.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 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.

3.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of the objection. However as stated above, the key concerns of the objectors are considered to have been adequately addressed and do not merit refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of such development at this location, then the application will require to be referred to Council as it would be a significant departure from emerging Council Policy wherein the site is zoned as a cemetery.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 3 SEPTEMBER 2010

**10/0139/PP: CHANGE OF USE OF LAND FROM AGRICULTURAL LAND
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Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Southern Local Planning Committee under the scheme of delegation as the Council has an ownership interest in the land to which the application relates.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of agricultural ground adjacent to the existing New Cumnock cemetery measuring 4433 square metres. The site is bounded to the north, west and east by agricultural ground and to the south by the existing cemetery.

2.2 **Proposed Development:** The proposal comprises the change of use of the agricultural ground to form an extension to the existing cemetery as well as the provision of an additional car parking area on the west side of Afton Road. The cemetery extension ground will be utilised for new lairs, approximately 556 in total. The car parking area will be hard surfaced and will provide for approximately 35 cars. The application is partly retrospective in that initial site works have commenced which includes an initial ground scrape to expose soil for the cemetery extension and car park area.

3. CONSULTATIONS RECEIVED

3.1 New Cumnock Community Council has not responded to their consultation at the time of writing.

3.2 East Ayrshire Estates Management has not responded to their consultation at the time of writing.

3.3 East Ayrshire Environmental Health Service has no objections to the development subject to standard comments.

- 3.4 East Ayrshire Roads and Transportation Service has no objections to the proposal.
- 3.5 The Scottish Environment Protection Agency has no objections to the proposal.
- 3.6 Cumnock and Doon Valley Access Panel has advised that the accessible car parking bays should be provided with a 1.2 metre hatched area around the entire bay and that the bays should be located closer to the cemetery entrance.

Appropriate conditions can be attached to address these issues should planning consent be granted.

4. REPRESENTATIONS

- 4.1 One letter of objection from two objectors has been received in connection with this application, details of which are summarised below.
- 4.2 During a funeral, cars park at the side of the road and require to manoeuvre to turn and cars attempting to leave the car park will only add to the confusion and this is an accident waiting to happen.

The provision of a dedicated parking area will reduce the number of cars requiring to park at the road side during a funeral therefore the car park is considered to be safer than the existing arrangement and it should be noted that the Roads and Transportation Service has no objections to the development.

- 4.3 We were informed that the car park would have a gate and would only be open during working hours. Young drivers use this space at night and as there is no gate this is already happening. It is disturbing and they can sit in their cars looking into our house and our privacy is gone.

A car park gate has been specified as part of the development. Works to date have only been completed to a hardcore level rather than final surfaces as works have been halted to await the outcome of this application. Should permission be granted, the gate will be installed at the appropriate time thereby resolving the issues raised by the objector.

- 4.4 No consideration or consultation has been given throughout this change to the land that no permission has been given to. We had beautiful views here but now look onto a very large concrete mess.

The objector is correct in that works have started on site without planning consent. Upon being made aware of the requirement for consent the applicant ceased work and submitted a planning application. The objector has been neighbour notified and the

application published in the local press therefore all requirements in terms of notification have been met. The right to a view itself is not a material planning consideration.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) (2003).

5.2 Policy SD4 relates to the types of development proposals within the rural diversification area that will be acceptable to the Council.

The proposal is considered to comply with part (iii) in that it provides a social benefit to the community of New Cumnock.

5.3 Policy CS1 relates to the provision and improvement of community facilities and advises that the Council will encourage and support the development of such new facilities to meet local needs.

The proposal is considered to improve the range of community facilities within the town of New Cumnock and as such is compliant with this policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan, consultation responses, letter of objection and the impact on the amenity of the area.

Alteration to the East Ayrshire Local Plan

6.2 Policy CS1 relates to the provision and improvement of community facilities and advises that the Council will encourage and support the development of such new facilities to meet local needs.

The proposal is considered to improve the range of community facilities within the town of New Cumnock and as such is compliant with this policy.

6.3 Proposal Prop 63 identifies an area of land for the extension of New Cumnock cemetery.

The application site falls within this area and as such is compliant.

Consultation Responses

6.3 No significant issues have been raised in the consultation process which warrant refusal of the application.

Letter of objection

6.4 The issues raised by the objectors relate to the road safety impact of the car park, the inappropriate use of the car park and the loss of view. In terms of safety, the Roads and Transportation Service has no objection to the development and the car park is considered to improve road safety by taking vehicles off the public road. A gate is to be provided should permission be granted which resolves the impacts to the objector's property and a loss of view is not a material consideration.

Impact on the amenity of the area

6.5 The proposal will not adversely affect the amenity of the surrounding area as it is an extension to an existing facility and further car parking is provided which will significantly improve road safety at the cemetery, particularly during peak usage at funerals.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications or legal implications arising from the determination of this application other than in terms of the Council implementing its own development.

8. CONCLUSIONS

8.1 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.

8.2 As detailed previously in this report the proposal is considered to be in compliance with the applicable policies in the Development Plan. The material considerations are generally supportive of the proposal with the exception of the objection. However as stated above, the key concerns of the objectors are considered to have been adequately addressed and do not merit refusal of the application.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that this application be refused contrary to the recommendation of the Head of Planning and Economic Development and on the basis of the principle of such development at this location, then the application will require to be referred to Council as it would be a significant departure from emerging Council Policy wherein the site is zoned as a cemetery.

Alan Neish
Head of Planning and Economic Development

DW/HM
23 August 2010

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory Notices and Certificates
3. Adopted East Ayrshire Local Plan
4. Alteration to the East Ayrshire Local Plan with Modifications
5. Planning application 97/0428/LA
6. Letters of objection
7. Consultation responses

Anyone wishing to inspect the above papers should contact David Wilson, Acting Senior Planning Officer on 01563 576779.

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0139/PP

Location	New Cumnock Cemetry Afton Road Mossmark New Cumnock
Nature of Proposal:	Change of use of land from agricultural land to cemetery extension and provision of additional car park
Name and Address of Applicant:	Mr Ian Allan Outdoor Amenities Outdoor Amenities Western Road Depot Western Road Kilmarnock KA3 1LL
Name and Address of Agent	Asset Improvement Service Lugar Council Offices Rigg Rd Lugar Cumnock KA18 3JQ

Officer's Ref: David Wilson
01563 576779

The above Planning Permission application should be approved subject to the following conditions:

1. Notwithstanding the plans and details hereby approved, further details of the proposed landscaping within the site shall be submitted for the written approval of the Planning Authority prior to works recommencing on site. The landscaping shall be implemented as approved during the next available planting season following completion of the development.

Reason: In the interests of visual amenity.

2. Notwithstanding the plans hereby approved, details of the height, materials and colour of all boundary treatments shall be submitted for the written approval of the Planning Authority prior to works

recommencing on site and shall be constructed in accordance with such details thereafter and be completed prior to the use commencing.

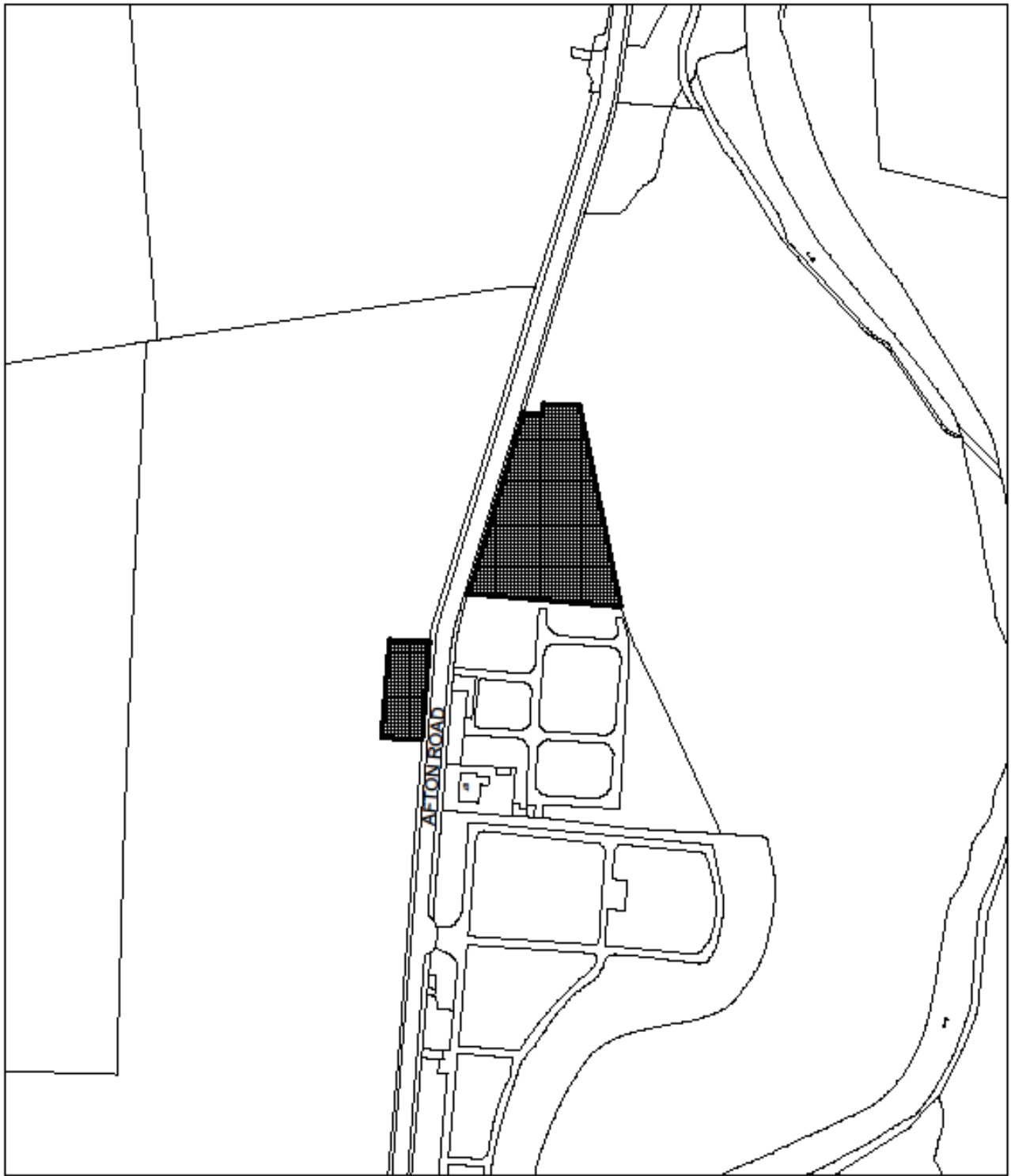
Reason: In the interests of visual amenity and to maintain the character and setting of the area.



3. Notwithstanding the plans and details hereby approved, the proposed accessible car parking bay position and layout is not approved. Details of a revised position and layout shall be provided for the written approval of the Planning Authority prior to works recommencing on site and shall be constructed in accordance with such details thereafter and be completed prior to the cemetery extension coming into use.

Reason: To minimise the distance disabled visitors travel to the cemetery in the interests of accessibility.

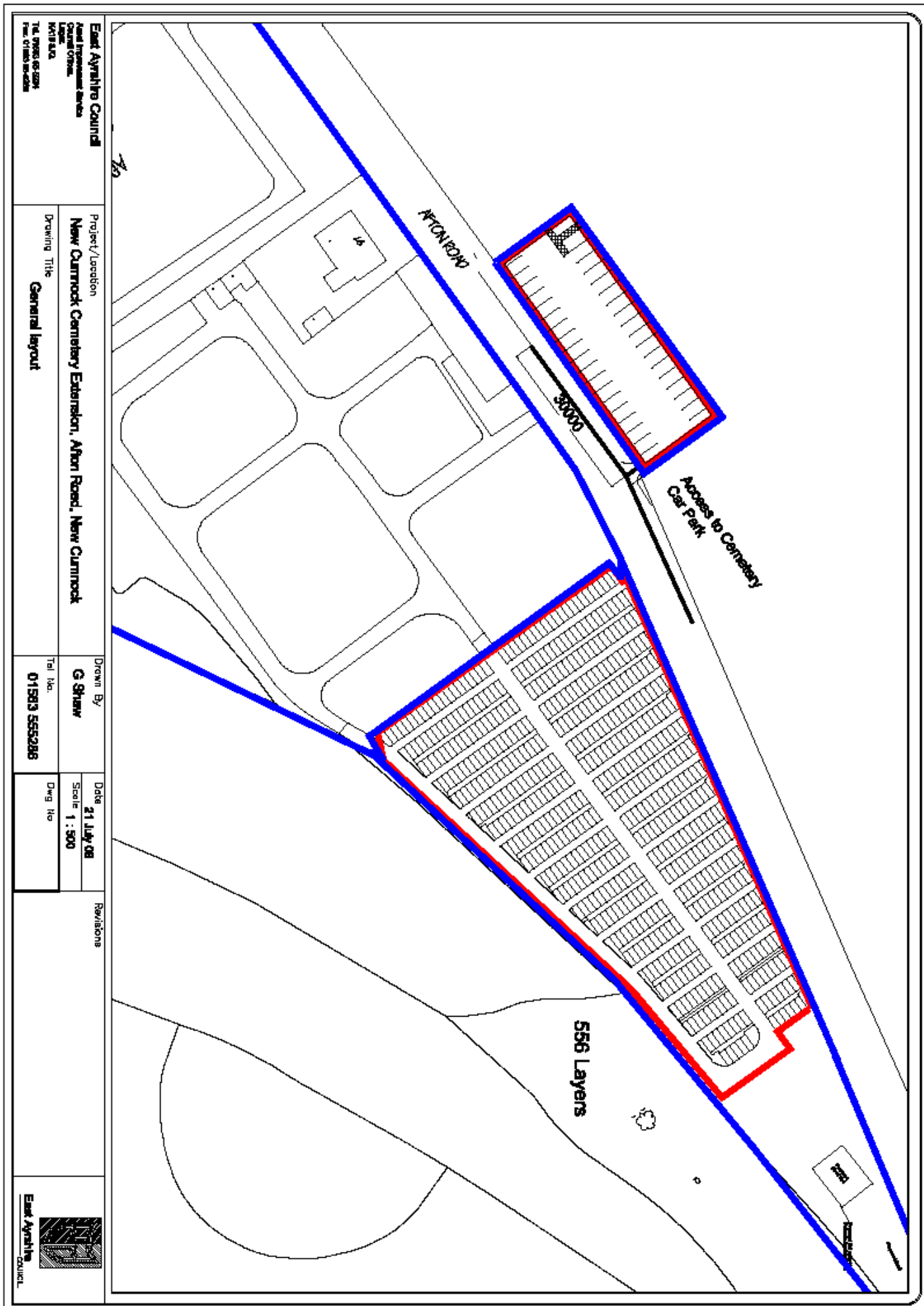
REASON FOR THE DECISION

The application is considered to be appropriate in terms of the Development Plan and the material considerations also lend support to the proposal.



<p>Title/Location</p> <p>Cemetery Extension</p> <p>New Cumnock</p> <p>Application No. 10/0139/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 03/05/2010</p> 
<p>Key</p>  <p>Application Site</p>	

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East Ayrshire Council
 Land Management Services
 Cemetery Office
 10/18/2008
 Tel: 01843 855288
 Fax: 01843 855288

Project/Location
 New Curmuck Cemetery Extension, Afon Road, New Curmuck

Drawing Title
 General layout

Drawn By
 G Shaw

Tel No.
 01843 555288

Date
 21 July 08

Scale
 1 : 500

Dwg No

Revisions

