

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 3 AUGUST 2004

DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 25 JUNE 2004 RELATING TO PLANNING APPLICATION NO 04/0258/OL: PROPOSED RESIDENTIAL PLOTS (UP TO 9 PLOTS) AT CONNEL PARK, NEW CUMNOCK BY MR CALDWELL

Report by the Acting Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to inform the Committee of the decision of the Southern Local Planning Committee held on 25 June 2004 regarding the above planning application.

2. BACKGROUND

- 2.1** The Southern Local Planning Committee on 25 June 2004 considered a report dated 15 June 2004 (attached as an Appendix) by the Head of Planning, Development and Building Standards and agreed that the application concerned be referred to the Development Services Committee with a recommendation of approval, in view of (a) the close proximity of the proposed development site to the settlement boundary of The Leggate and to other existing dwellings; and (b) the history of the proposed development site which had previously accommodated a row of miners' cottages; and, in light of these factors, the Local Planning Committee taking the view that the proposed development would represent an acceptable departure from the policies contained within the Development Plan.
- 2.2** One objection has been received in respect of this application from Scottish Water. The objector was not present or represented at the Local Planning Committee meeting.

3. FINANCIAL/LEGAL IMPLICATIONS - Nil.

4. POLICY IMPLICATIONS

- 4.1** The Committee are referred to the report dated 15 June 2004 by the Head of Planning, Development and Building Standards, attached as an Appendix to this report.

5. RECOMMENDATION

- 5.1** It is recommended that this Committee consider the planning application with reference to the Head of Planning, Development and Building Standards' report dated 15 June 2004 and with consideration to the recommendation by the Southern Local Planning Committee as detailed in Paragraph 2.1 above.

David Mitchell
Acting Executive Director of Corporate Support

30 June 2004

SN/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.

**APPENDIX
EAST AYRSHIRE COUNCIL**

SOUTHERN LOCAL PLANNING COMMITTEE: 25 JUNE 2004

**04/0258/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR
RESIDENTIAL PLOTS (UP TO 9 PLOTS) AT CONNEL PARK, NEW CUMNOCK**

APPLICATION BY MR CALDWELL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is being sought for the development of the site for residential purposes for up to nine plots. No details of the layout or house types have been submitted at this stage. However, the site is linear in nature with a frontage of 175 metres. The applicant has indicated an intention to provide up to nine plots that could readily be accommodated within the site.

2. RECOMMENDATION

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

3. CONCLUSIONS

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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

3.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope of New Cumnock. The site is within the Rural Diversification Area and no justification has been cited for the development in this rural area.

3.3 In the absence of any specific locational need for this residential development there is no justification for approval which would represent a significant departure from the development plan.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

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: 25 JUNE 2004

**04/0258/OL: PROPOSED OUTLINE PLANNING PERMISSION FOR
RESIDENTIAL PLOTS (UP TO 9 PLOTS)
AT CONNEL PARK, NEW CUMNOCK**

APPLICATION BY MR. CALDWELL

Report by Head of Planning, Development and Building Standards

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 the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises an area of agricultural land extending to 0.49 hectare and lies on the north west side of the B741 Road at Connel Park in New Cumnock immediately south west of the junction of the B741 road with the C36 Boig Road. The north east corner of the application site lies opposite the entrance to the Knockshinnoch Coal Disposal Point and three new dwellings lie adjacent to the south west corner of the site. To the rear of the site lies open agricultural land.

2.2 The present use of the land is for rough grazing, the site previously having been occupied in the past by a row of miner's cottages which have long since been demolished. The site is undulating in nature and has no significant features other than a small embankment fronting part of the development site which is retained by a dry stone dyke.

2.3 **Proposed Development:** Outline planning permission is being sought for the development of the site for residential purposes for up to nine plots. No details of the layout or house types have been submitted at this stage. However, the site is linear in nature with a frontage of 175 metres. The applicant has indicated an intention to provide up to nine plots that could readily be accommodated within the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a standard driveway access crossing to East Ayrshire Roads Division standards. Visibility sightline splay areas of 2.5 metres by 60 metres will require to be formed and maintained at each access onto the B741 with no obstruction greater than 1 metre in height allowed within these areas. No surface water must be allowed to discharge onto the public road from the site. Off road parking spaces will require to be provided for each dwelling in line with the Roads Development Guide. Each private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road. Any garages must be set back a minimum of 6 metres from the rear of the footway. Any gates will require to open inwards away from the public road. Each driveway must incorporate a turning area to allow vehicles to enter and leave in forward gear. A 2 metres wide footway at road level will require to be provided by the developer across the full frontage of the site without reducing the width of the B741 public road. This will require the removal of the retaining wall section and earthworks to lower the ground level. It is recommended that the applicant carries out this work in advance of plot sales rather than individual plot purchasers to ensure continuity of footway infrastructure at the locus. The existing sub-standard footways either side of the retaining wall section across the full site frontage will require to be upgraded to East Ayrshire Council standards. Street lighting, street furniture, road drainage etc. will require to be upgraded across the site frontage at the applicant's expense.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Water has objected to the proposed development as the proposed development lies within the raw water catchment for Afton Water Treatment Works and the impact of the development may be such that it will prejudice Scottish Water's ability to supply potable water. Should the developer be able to satisfy Scottish Water that there is no significant impact then consideration will be given to withdrawing the objection.

It is difficult to understand why the proposed development would impact on Afton Water Treatment Works since it lies some considerable distance away and at a greater elevation to the application site. Nonetheless, a note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Water.

3.3 Transco has not responded to the consultation letter.

Noted.

3.4 Power Systems has indicated that it has no objection in principle to the proposed development. However Scottish Power has apparatus within/ adjacent to the application site which may require alteration or protection, depending on the extent of the development. The cost of such work will be fully rechargeable.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Power with respect to its apparatus within or adjacent to the application site.

3.5 The Coal Authority has no objection and no adverse comments to make regarding the proposed development.

Noted.

3.6 New Cumnock Community Council has not responded to the consultation letter.

Noted.

3.7 The Scottish Environment Protection Agency has been consulted but no response had been received at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development. Scottish Water has objected as indicated in section 3.2 above.

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 (1999) and the Adopted East Ayrshire Local Plan

(2003). The application site relates to an area of land located in the Rural Diversification Area.

Ayrshire Joint Structure Plan

5.2 Policy G5 states that development proposals outwith settlements in the Rural Protection Areas shall conform to the structure plan only where the development:

- A has demonstrated site specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification; or
- D provides for the operational needs of agricultural and forestry.

The proposed development does not meet any of the stated criteria and is therefore contrary to the provisions of Policy G5 of the Structure Plan.

East Ayrshire Local Plan

5.3 Policy RES14 is supportive of small scale residential developments within the identified Rural Diversification Area, in one of three stated circumstances.

- (i) the houses are required on a permanent basis for the categories of development detailed in Policy RES13 above; or

No demonstration of the need for the development in terms of any of the categories of development detailed in policy RES13 has been made by the applicant.

- (ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary, subject to a set of stated criteria being met, as follows;

- *any proposed expansion of such a housing group being limited to 50% of the total number of dwellings existing in that grouping as of 1 January 1999, up to a maximum of 4 new housing units, subject to the provision of Policies RES15 and 17 below;*

It is considered that the development constitutes a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary. However the number of 9 houses proposed significantly exceeds the maximum number of 4 houses permitted by the policy. In addition, some 3 houses, forming

an addition to the existing group of houses at the particular location of the current application have been approved and constructed since 1 January 1999. Consequently the permissible level of development allowed in terms of the policy has already been met. The current proposal to extend the group of houses by a further 9 houses, greatly exceeds the permitted quota and the proposal is not considered acceptable in terms of this particular criteria of the policy.

- *any development requiring to be appropriate in terms of design to the particular location in which it is proposed;*

The proposal is in outline and it is not therefore possible to comment on this particular criterion at this stage.

- *any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and*

It is not considered that the proposed development, comprising as it does a string of houses along the main New Cumnock / Dalmellington Road, is in keeping with the compact layout and design of the group of buildings to which the development would be attached.

- *any development requiring to meet the standards required by all relevant public and statutory service providers.*

It is considered that there are no significant issues that cannot be readily addressed by the applicant with statutory undertakers and other service providers.

This section of the policy also particularly encourages the sensitive infilling of any available gap sites consolidating existing dwellings within the in preference to any linear expansion of the grouping of houses concerned; or

It is not considered that the proposed development complies with this element of the policy, comprising as it does a string of houses along the main New Cumnock / Dalmellington Road. The development proposed does not constitute the consolidation of the existing group of buildings and is not in keeping with the existing compact layout and design of the group of buildings to which it would be attached.

(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 RES18 below.

The development does not constitute 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 RES18.

5.4 Policy RES15 requires applicants for any new residential development in the countryside deemed acceptable in terms of Policies RES13 and 14 of the local plan, to meet two stated criteria, as follows;

- (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 or degraded land in preference to the development of greenfield land.

As stated above, the development is not considered acceptable in terms of local plan policies RES13 or RES14. The development also does not utilise any existing buildings which are considered capable of residential use or utilise areas of derelict or degraded land in preference to the development of greenfield land.

The policy also states that, 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 being isolated in the countryside.

It is not considered that the development consolidates or compliments the small group of houses to which it would be attached.

5.5 Policy RES17 states that residential development in the countryside will not be permitted in nine stated circumstances. One of those circumstances is pertinent to the application, this being:

- (vi) where the development would, in itself, constitute or add to sporadic or ribboning of development along public or private roads in rural locations;

It is considered that the proposed development clearly constitutes a ribboning of development along a public road in a rural location and is therefore contrary to the provisions of the policy.

The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan

policies RES 14, RES15 and RES 17 (vi). The proposal cannot therefore be supported in planning policy terms.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and relevant planning history.

Consultation Responses

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused although a number of issues would require to be resolved. These could be addressed either through conditions or appropriate notes attached to any consent granted for the proposed development

Planning History

6.3 There is no relevant planning history directly relating to the application site itself. However the land immediately south-west of the application site has been the subject of three detailed applications for residential development of three plots (02/0550/FL – plot 2, 02/0262FL – plot3 and 03/0194/FL – plot 1). All three dwellings have now been constructed and occupied. These 3 houses were considered to be an acceptable addition to the existing group of houses at this particular location and in accordance with the provisions of Policy RES14.

7. FINANCIAL AND 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 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 but it is considered that they are not of sufficient weight to justify a departure from policy in this case.

8.2 The application under consideration is for the residential development of a site which lies outwith the current settlement envelope of New Cumnock. The

site is within the Rural Diversification Area and no justification has been cited for the development in this rural area.

8.3 In the absence of any specific locational need for this residential development there is no justification for approval which would represent a significant departure from the development plan.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will require to be referred to the Development Services Committee because it would be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

15 June 2004
HM/HM/SMB
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 (1999).
6. Previous applications 02/0550/FL, 02/0626/FL and 03/0194/FL.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0258/OL

Location	Connel Park, New Cumnock KA18 4QF
Nature of Proposal:	Proposed outline planning permission for residential plots (up to 9 plots)
Name and Address of Applicant:	Mr. Caldwell South Boig Farm New Cumnock KA18 4QE
Name and Address of Agent	Nicoll Design 184 Main Street, Prestwick KA9 1PG

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

The above **OUTLINE** application should be refused for the following reasons:-

1. The proposed development would constitute the erection of up to nine new dwellings in the countryside without agricultural justification and contrary to the policy criteria relevant in respect of Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan. The proposal would therefore not be in accordance with Policy G6 of the Approved Ayrshire Joint Structure Plan and Policies RES 13 and RES 14 of the Adopted East Ayrshire Local Plan.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**