

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE - 2 MAY 2006**

**DECISION OF THE SOUTHERN LOCAL PLANNING COMMITTEE HELD ON
24 MARCH 2006 RELATING TO PLANNING APPLICATION NO 05/1167/OL:
PROPOSED RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO
MANSEFIELD HEIGHTS, MANSEFIELD ROAD, NEW CUMNOCK BY
KINDBUILD LIMITED**

**Report by the Depute Chief Executive/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 24 March 2006, regarding the above planning application.

2. BACKGROUND

- 2.1 The Southern Local Planning Committee on 24 March 2006 considered a report dated 13 March 2006 (attached as an Appendix) by the Head of Planning, Development and Building Standards, and agreed that this application be referred to the Development Services Committee with a recommendation for approval, the Local Planning Committee being of the view that the proposed development would represent an acceptable departure from the Development Plan since it would (i) due to the condition of the existing building on site, result in a significant enhancement to the amenity of the locality within which it is located; and (ii) constitute only a minor encroachment beyond the settlement boundary into the countryside.

- 2.2 No objections were submitted in respect of this application. Therefore, there is no requirement for a Hearing.

3. FINANCIAL/LEGAL IMPLICATIONS - NIL.

4. POLICY IMPLICATIONS

- 4.1 The Committee are referred to the report dated 13 March 2006 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 report by the Head of Planning, Development and Building Standards dated 13 March 2006 and with consideration to the recommendation by the Southern Local Planning Committee, as detailed in Paragraph 2.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

6 April 2006

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: 24 MARCH 2006

**05/1167/OL: PROPOSED RESIDENTIAL DEVELOPMENT ON LAND ADJACENT
TO MANSEFIELD HEIGHTS, MANSEFIELD ROAD,
NEW CUMNOCK**

APPLICATION BY KINDBUILD LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the residential development of the site. It is proposed to demolish the existing farmhouse and steading buildings to allow for the new residential development that would be an extension of the existing residential development site at Mansefield Heights. An indicative layout shows the provision of nine plots with an area of open space provided to the north of plots 7 to 9 and to the east side of plot 6, following the course of the Muirfoot Burn.

2. RECOMMENDATION

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

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 however it is considered that these material considerations are not of sufficient weight to justify setting aside the provisions of the development plan.

3.2 It is noted that there are no third party objections and there are no significant adverse comments from consultees. However, in the absence of any specific locational need for this residential development, being outwith the settlement boundary, there is no justification for approval that 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 such a decision would represent a significant departure from policy.

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: 24 MARCH 2006

05/1167/OL: PROPOSED RESIDENTIAL DEVELOPMENT ON LAND ADJACENT
TO MANSEFIELD HEIGHTS, MANSEFIELD ROAD,
NEW CUMNOCK

APPLICATION BY KINDBUILD LIMITED

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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation at the request of the Local Member as the proposed development is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the south of Pathhead off Mansfield Road in New Cumnock and lies immediately to the east of the new residential development site at Mansefield Heights, the greater part of which has now been developed. The application site extends to approximately 0.64 hectare and comprises the site of the existing farm steading at Muirfoot Farm with the existing farmhouse and agricultural outbuildings. The site is bounded to the north and east by the Muirfoot Burn, to the south by the Carlisle to Glasgow railway line and to the west by the new residential development. The site is accessed via the residential road serving the new development

2.2 **Proposed Development:** Outline planning permission is sought for the residential development of the site. It is proposed to demolish the existing farmhouse and steading buildings to allow for the new residential development that would be an extension of the existing residential development site at Mansefield Heights. An indicative layout shows the provision of nine plots with an area of open space provided to the north of plots 7 to 9 and to the east side of plot 6, following the course of the Muirfoot Burn.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection in principle to the proposed development subject to appropriate conditions. Access to the site extension will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Council Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, and traffic calming. Junction visibility splays areas measuring 2.5 metres by 35

metres will be required at all internal road junctions with no object greater than 1 metre in height allowed within these areas. Off-road car parking spaces will require to be provided for each dwellinghouse in line with the requirements of the Roads Development Guide 1996. Any domestic garages must be set back a minimum distance of 6 metres from the rear of the footway. All private driveways will require to be paved for a minimum distance of 2 metres from the rear of the footway to avoid the overcarry of loose material onto the public road. Any gates proposed at any of the dwellinghouses will require to open inwards, away from the public road. The applicant will be required to upgrade the footway between the site and Muirfoot Place to adoptable standards as requested under previous application 03/0156/FL.

Conditions can be attached to any planning permission granted for the proposed development to meet these requirements of the Roads and Transportation Division.

3.2 National Air Traffic Services has no objection to the proposed development.

Noted.

3.3 Scottish Water has not responded to the consultation letter.

Noted

3.4 The Scottish Environment Protection Agency has no objections to the proposed development provided the foul drainage of the site connects to the public sewer without adversely affecting any associated storm overflows or the treatment works. The provision of SUDS has already been discussed regarding the neighbouring site but SEPA is unsure whether it was designed to take drainage from this development.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with SEPA and Scottish Water regarding the drainage of the site.

3.5 Scottish Power has no objections to the proposed development.

Noted.

3.6 Network Rail has commented that to reduce the risk of trespass onto the railway, a 1.8 metre high concrete post and mesh fence should be erected along the mutual boundary with the railway line. Where trees/shrubs are to be planted adjacent to the railway boundary, these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

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 East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ADS3 states that new residential, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined in local plans.

This proposal is located just outwith the settlement boundary of New Cumnock and is therefore contrary to policy ADS3.

5.3 Policy G6 states that development proposals outwith settlements in the Rural Diversification Areas shall conform to the structure plan where the development:

- A comprises an acceptable form of residential development as defined by the local plan;
- B provides for sensitive industrial, business, recreational or tourism development with a demonstrated site specific locational need;
- C can be justified in terms of social and economic benefit to the community;
- D contributes to rural land diversification: or
- E provides for the operational needs of agriculture and forestry.

The proposal does not meet any of the above criteria as no additional information has been received to justify its location within the Rural Diversification Area. It is therefore contrary to Policy G6.

East Ayrshire Local Plan

5.4 The proposed development can either be defined as an extension to the settlement boundary or as residential development in the countryside. Policies RES 2 and RES 13 deal with these issues. Policy RES2 states that, with the exception of dwellings covered by Policies RES13 and 14, 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;
- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;
- (iii) the proposal meets 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
- (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.

There is no demonstrated shortfall of effective housing land within the East Ayrshire Housing Market Area therefore the proposal is contrary to policy RES 2.

5.5 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

(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;
- any development requiring to be appropriate in terms of design to the particular location in which it is proposed;
- any development requiring to be sensitive to the design and layout of the existing settlement or group of buildings; and
- any development requiring to meet the standards required by all relevant public and statutory service providers.

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

(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.

As no additional information has been submitted to justify the proposal, it is assumed that the development is not required for (i) above. Criteria (ii) and (iii) are not applicable to this application.

5.6 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:

(iv) where the development would constitute an inappropriate extension of development into the countryside from existing settlement boundaries;

It is considered that the proposal would constitute an inappropriate extension of development into the countryside from existing settlement boundary of New Cumnock.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations Responses

6.2 The Consultation responses do not indicate that the application should be refused.

Planning History

6.3 Planning permission was granted for the erection of 22 dwellings on the land immediately to the west of the current application site (Ref. 03/0156/FL dated 25 February 2004).

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 however it is considered that these material considerations are not of sufficient weight to justify setting aside the provisions of the development plan.

8.2 It is noted that there are no third party objections and there are no significant adverse comments from consultees. However, in the absence of any specific locational need for this residential development, being outwith the settlement boundary, there is no justification for approval that 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 sheets.

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 such a decision would represent a significant departure from policy.

Alan Neish

Head of Planning, Development and Building Standards

13 March 2006

HM/HM/SMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning application 03/0156/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: 05/1167/OL

Location	Land adjacent to Mansfield Heights Mansfield Road New Cumnock KA18 4DT
Nature of Proposal:	Proposed residential development
Name and Address of Applicant:	Kindbuild Ltd Mansfield Road New Cumnock KA18 4DT
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 reason:-

1. The proposed development would constitute residential development outwith the settlement of New Cumnock, 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 Policies ADS3 and G6 of the Approved Ayrshire Joint Structure Plan and Policies RES13 and RES14 of the Adopted East Ayrshire Local Plan.

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