

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 12 AUGUST 2005

**05/0592/OL: PROPOSED CHANGE OF USE FROM AGRICULTURAL LAND
TO BUILDING PLOTS FOR FOUR DWELLINGS
AT CRONBERRY FARM, CRONBERRY**

APPLICATION BY MISS HELEN FLEMING

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline Planning Consent is sought for the change of use from agricultural land to four residential building plots.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 Outline planning consent is sought for four residential building plots on land in which the major part lies within the settlement boundary of Cronberry. The proposed site of the building plots is on land to the north east of the existing dwellings of Riverside Gardens on the opposite side of the road and is not perceived to affect the views from these dwellings or in any way be of detriment to the visual amenity of the immediate area. The application includes the formation of an improved and adopted access road to the Council's Roads and Transportation Divisions Standards, incorporating a turning head which will allow any additional traffic a safe turning area away from the residence of Riverside Gardens.

3.3 The settlement of Cronberry lies at a slightly lower level from the nearby A70 Muirkirk Road which makes the majority of the settlement and the proposed plots clearly visible from the road. Therefore, it is important that the design and use of materials of any new dwellings within Cronberry are of high standard and this is something that can be addressed in detail with any future full planning application.

3.4 To conclude, the proposal generally shows compliance with the relevant policy RES4 and will provide more than sufficient private open space for all plots conforming to Schedule 4 of the of the East Ayrshire Local Plan. It is perceived that the area of the site which lies outwith the settlement boundary is considered to be a minor incursion into the rural area and is therefore acceptable from a planning policy perspective.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be classed as a significant departure from the East Ayrshire Local 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.

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APPLICATION BY MISS HELEN FLEMING

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, as the proposed development is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within the small rural settlement of Cronberry, approximately 2km east of Lugar and to the northern side of the A70 Muirkirk Road. The application site is located to the north eastern edge of the settlement of Cronberry on the western side of a narrow access road leading to Cronberry Farm. The land within the red line site boundary at present is used for rough grazing for sheep and is largely level bounded to the front by the narrow access road to the farm and to the rear by a field drain running the length of the site.

2.2 The applicant has identified an area of land within her ownership, extending to an area of 2,000m² which falls within the settlement boundary of Cronberry as indicated in the East Ayrshire Local Plan (2003).

2.3 **Proposed Development:** Outline Planning Consent is sought for the change of use from agricultural land to four residential building plots.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Lugar and Logan Community Council has not made any representations at this stage.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to the following road safety requirements being met:

- (i) Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 and will require Construction Consent from East Ayrshire Roads and Transportation Division. This consent would cover details such as road widths, footways, road construction, traffic calming, street lighting, drainage etc. Any existing public utility apparatus located in the verge will require to be protected beneath the proposed access. The existing road at Riverside Gardens will require to be extended beyond the development and terminated at a turning head as part of the Roads Construction Consent. The existing cattle grid will require to be relocated beyond the proposed road.
- (ii) No surface water must be allowed to discharge from the site onto the existing or proposed public road/footway.
- (iii) Any garage must be set back a minimum distance of 6 metres from the rear of the footway/service strip.
- (iv) The private driveway will require to be hard paved for a minimum distance of 2 metres from the rear of the footway to avoid the over carry of loose material onto the public road.
- (v) Two number off road car parking spaces will require to be provided for each dwelling
- (vi) The private access road will require to be hard paved for a minimum distance of 5.0 metres from the rear of the footway to avoid the overcarry of loose material onto the public road/footway
- (vii) The proposed driveway shall not be less than 4.8 metres in length by 2.5 metres wide.

Conditions can be attached to any consent granted for the development to meet the requirements of the Roads Division

3.3 Scottish Water has made no representations at this stage.

Noted.

3.4 Power Systems has made no representations at this stage.

Noted.

3.5 Transco has no objection to the proposed development.

Noted.

3.6 East Ayrshire Roads Division (Flooding Section) has no objection in principle to the proposed development. However, details of the proposals for the drainage will require to be submitted to and agreed at an early stage by the Council's flooding section.

The above flooding requirement can be imposed as a condition on the planning consent should the Committee be minded to approve the application.

3.8 The Scottish Environment Protection Agency has no objections in principle to the development.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received with regard to the proposed development. The main points of which are summarised below:

4.2 It will obstruct my view.

At present the residents of Riverside Gardens have un-interrupted views in a northerly direction with no development on the opposite side of the road. The proposed four plots will be located to the north east of the settlement of Cronberry and will therefore not directly obstruct any view for the residents of Riverside Gardens who will still enjoy uninterrupted views with no development in front of them. When measuring the distance from the end house of Riverside Gardens the new plots will be some 30 metres east. However, it should be noted that the loss of a view is not a material consideration in the determination of this application.

4.3 It will increase traffic considerably.

The construction of new dwellings in this location will generate an increase level of traffic. However it is not considered that this will 'increase traffic considerably' with only 4 plots being proposed. This is especially the case when Riverside Gardens has some 35 dwellings and the traffic associated with each of these. Therefore an additional four dwellings is not envisaged to cause any concerns relating to increased levels of traffic. In addition the Roads and Transportation Division is supportive of the application as a new widened road will be formed and an associated turning head allowing traffic to turn safely away from the residence of Riverside Gardens.

4.4 It will also bring crime to this fine hamlet.

The level crime generated by this proposal is not a material planning consideration which would indicate the application should be refused and in fact the additional dwellings may assist in creating a safer environment.

4.5 I will also expect compensation and a reduction on my Council Tax.

The above issue is not a material planning consideration which would indicate that the application should be refused.

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 There are no policies contained in the structure plan which are especially relevant to the development.

East Ayrshire Local Plan

5.3 Part of the development site that would form rear garden ground for the four plots lies outwith the settlement boundary of Cronberry. Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The proposal would have a limited impact on the surrounding natural and built environment.

- (ii) transportation and infrastructure implications;

There are no significant issues in this regard.

- (iii) compatibility with surrounding densities and housing types; and

It is not possible to comment on house types as the application is in outline. The density of the proposed development is considered to be acceptable.

- (iv) compliance with the Council's Development Promotion and Design Guidance.

It is not possible to comment on design as the application is in outline only.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the third party representation.

Consultations Responses

6.2 The consultation responses received would indicate that the approval of the application would be appropriate.

Representations

6.3 The only third party representation received shows a clear level of concern on issues relating to the effect on the settlement of Cronberry more specifically relating to the impact on the visual amenity of the immediate area and road traffic issues. However, these issues have been sufficiently addressed in Section 4 of the report and therefore it is considered that they are not of sufficient weight to merit refusal of the application.

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 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 Outline planning consent is sought for four residential building plots on land in which the major part lies within the settlement boundary of Cronberry. The proposed site of the building plots is on land to the north east of the existing dwellings of Riverside Gardens on the opposite side of the road and is not perceived to affect the views from these dwellings or in any way be of detriment to the visual amenity of the immediate area. The application includes the formation of an improved and adopted access road to the Council's Roads and Transportation Divisions Standards, incorporating a turning head which will allow any additional traffic a safe turning area away from the residence of Riverside Gardens.

8.3 The settlement of Cronberry lies at a slightly lower level from the nearby A70 Muirkirk Road which makes the majority of the settlement and the proposed plots clearly visible from the road. Therefore, it is important that the design and use of materials of any new dwellings within Cronberry are of high standard and this is something that can be addressed in detail with any future full planning application.

8.4 To conclude, the proposal generally shows compliance with the relevant policy RES4 and will provide more than sufficient private open space for all plots conforming to Schedule 4 of the of the East Ayrshire Local Plan. It is perceived that the area of the site which lies outwith the settlement boundary is considered to be a minor incursion into the rural area and is therefore acceptable from a planning policy perspective.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee because it would not be classed as a significant departure from the East Ayrshire Local Plan.

Alan Neish
Head of Planning, Development and Building Standards

25 July 2005
RG/RG

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. One Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

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

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0592/OL

Location	CRONBERRY FARM, CRONBERRY, CUMNOCK
Nature of Proposal:	PROPOSED CHANGE OF USE FROM AGRICULTURAL LAND TO BUILDING PLOTS FOR FOUR DWELLINGS
Name and Address of Applicant:	MISS H FLEMING CRONBERRY FARM CRONBERRY CUMNOCK KA18 3LU
Name and Address of Agent	N/A

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

The above **OUTLINE** application should be granted 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 house plots;
 - (b) the size, height, design and external appearance of the proposed dwellinghouse;
 - (c) the means of drainage and sewage disposal including the provision of a SUD system;
 - (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) a landscaping scheme for the site;
 - (h) finished site levels/floor levels.

REASON: The approval is in outline only.

- 2 The dwellinghouse shall be either one or one and a half storey in height and traditionally designed following vertical proportions and using traditional locally found materials to the satisfaction of the Planning Authority.

REASON: In the interests of visual amenity.

3. No surface water shall be allowed to issue from the site onto the public road. The first two metres of the driveway shall be surfaced in order to prevent deleterious materials being deposited onto the public road.

REASON: To ensure the provision and maintenance of a secure road surface in the interest of road and public safety.

4. Notwithstanding the provisions of Condition 1(d) above, the existing road at Riverside Gardens shall be extended beyond the development and terminating at a turning head.

REASON: In the interest of road safety.

5. Notwithstanding the provisions of Condition 1(d) above,, any access gates to be provided shall open inwards away from the public road to prevent obstruction.

REASON: In the interest of road safety.

6. Notwithstanding the provisions of Condition 1(d) above,, any garage to be erected shall be set back a minimum distance of 6 metres from the rear of the footway.

REASON: In the interest of road safety.

7. Notwithstanding the provisions of Condition 1(d) above, the driveways shall not be less than 4.8 metres in length and 2.5 metres wide.

REASON: In the interest of road safety.

NOTES

- 1) East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential road and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555 330. The new road must comply with the Roads Development Guide 1996. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
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VIEWING PLEASE CONTACT (01563) 555320.**