

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 01 DECEMBER 2006

**06/0592/OL: PROPOSED RESIDENTIAL DEVELOPMENT AT
LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK**

APPLICATION BY ALEX BREWSTER AND SONS

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.0 Outline planning permission is sought for a residential development of the site. No details of scale, design or layout have been provided at this stage. It is anticipated that the proposed access to the site will be from the existing residential road at Penders Wynd.

1.2 Although no details of the number of houses proposed have been submitted, if the site was to be developed it would have a potential notional capacity of approximately 75 dwellings.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

1.0 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. As is indicated in Section 5 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application, however, it is considered that these too support a recommendation to refuse the application on the basis of it being contrary to the policy provisions of the EALP.

3.2 The application under consideration is for the residential development of an area of ground outwith the settlement boundary of Cumnock. As no details justifying the proposal have been submitted as it currently stands the application remains contrary to both the policies contained in the Ayrshire Joint Structure Plan and Adopted East Ayrshire Local Plan. The public consultation stage of the draft local plan has recently ended, however at this

stage the draft plan cannot be taken as a material consideration in the determination of the application. Furthermore the application site is not proposed for inclusion as part of the revised settlement plan for Cumnock in this draft plan.

3.3 Therefore in the absence of any specific locational need for this residential development there is no justification for an 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 it represents 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.

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LAND ADJACENT TO SKERRINGTON FARM, CUMNOCK

APPLICATION BY ALEX BREWSTER AND SONS

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 it is subject to objections, is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

1.1 **Site Description:** The application site is a greenfield site located to the south east of Cumnock. The site is 3.1 hectares in area and comprises primarily of agricultural land. The site extends to 360 metres in length and approximately 80 metres in width. It is bounded to the north and east by agricultural land, to the south by a mature hedge and the A76 Trunk Road and to the west by the existing housing within Phase 3 of the Skerrington Farm residential development site. All three phases of development at Skerrington have now been completed

1.2 **Proposed Development:** Outline planning permission is sought for a residential development of the site. No details of scale, design or layout have been provided at this stage. It is anticipated that the proposed access to the site will be from the existing residential road at Penders Wynd.

1.3 Although no details of the number of houses proposed have been submitted, if the site was to be developed it would have a potential notional capacity of approximately 75 dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development subject to conditions:

- (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 Division. This consent would cover details such as road widths, footways, road construction, street lighting, drainage etc.
- (ii) Junction visibility splay areas of 2.5 m by 35 m will be required at all internal road junctions with no object greater than 1m in height allowed within these areas.
- (iii) No surface water must be allowed to discharge onto the public road.
- (iv) Parking must be provided in accordance with the Roads Development Guide 1996.
- (v) Any garages must be set back a minimum distance of 6 m from the rear of the footway.
- (vi) Private driveways 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.
- (vii) Any gates will require to open inwards, away from the public road.
- (viii) Access to and egress from the site will require to be taken in forward gear.
- (ix) The proposed driveways should be not be less than 6.0 m in length by 2.75 m wide.
- (x) An emergency vehicle link should be provided from the site to the layby on the A76 to the south east of the site.
- (xi) The site should be screened from the A76 Trunk Road by a 1.8m high closed-boarded fence.

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

3.2 Transport Scotland's – Road Network and Management Division has no objections to the proposed development subject to the following conditions noted below:

- (i) There shall be no means of direct access to the trunk road either pedestrian or vehicular.
- (ii) An un-climbable safety fence of a type approved by the Planning Authority after consultation with the Roads Division shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Road Network and Management Division.

3.3 Scottish Water has no adverse comments to make on this application

Noted

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewerage system, either in the public sewers or within the curtilage of the development. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Should the application be granted a note regarding the implementation of Sustainable Urban Drainage Systems could be attached to the planning permission. Furthermore, a note advising the developer to make early contact with SEPA could be attached to any planning consent if granted.

3.5 Power Systems has no adverse comments to make regarding the proposed development.

Noted.

3.6 Transco has commented that no mechanical excavation must be carried out within 500mm of Transco Plant.

A note can be attached to any planning consent granted for the development regarding the above.

3.7 Cumnock Landward Community Council has not responded to the consultation letter at the time of writing.

Noted.

4. REPRESENTATIONS

4.1 Two letters containing representations from 4 individuals have been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 Invasion of privacy to rear of our property if double storey houses are built.

The planning application has been submitted in outline therefore the applicant is not required to detail the specific size of housing proposed as this would be determined at the full planning application stage. If an application is made at a later date for full planning consent the Planning Authority at that time would carefully consider the appropriateness of the proposal and if two storey dwellings were being proposed this would be considered in relation to the surrounding house types, housing density, window to window distances and levels of privacy.

4.3 Serious concerns i.e. additional traffic generated by the development which would provide potential danger to pedestrians and also children who often play outside as this area is regarded as very quiet with limited car traffic.

The Roads and Transportation Division has raised no issues with road safety with respect to the proposed development. The existing road at Penders Wynd is already traffic calmed and it is anticipated that further traffic calming measures would be introduced into any new residential roads within the application site.

4.4 The development is clearly outwith the current settlement boundary and would lead to an unwarranted ribboning out of the community towards New Cumnock. It would be hoped that the Council would wish to preserve the integrity and cohesiveness of the existing communities and not allow stringing out along the main arterial roads. One of the distinct features and benefits of living in the area is the rural countryside between discrete communities.

It is accepted that the proposed development is contrary to the policy provisions of the Development Plan and would lead to a ribboning out of development along the A76 trunk road. The policy implications of the proposed development are more fully described in section 5 of this report.

4.5 The development would add pressure to the existing road infrastructure, either by placing a requirement for access onto the A76 trunk road, with all the road safety issues associated with such junctions.

No new access is proposed onto the A76 trunk road as part of the proposed development.

4.6 If no new access is allowed onto the A76, there is genuine concern about the existing road infrastructure within the Skerrington Farm scheme and there is a real danger of permitting development that duplicates the Holmhead situation by creating a large cul-de-sac. If so this would create the similar potential of health and safety concerns where emergency vehicles would have no alternative access routes in the event that the only access road was blocked. This is particularly relevant at Skerrington with the industrial development at the foot of Penders Wynd.

The Roads and Transportation Division has raised no issues of either capacity or road safety with regard to the proposed development. Furthermore, the Division has recommended that an emergency vehicle link should be provided from the site to the lay-by on the A76 to the south east of the site in the event of circumstances as described by the objectors.

4.7 Before any further sites are released in Cumnock for development it would be hoped that all existing sites within the wider Cumnock community would have been developed before new sites are identified. There are existing sites in Barshare and Drumbrochan that could be developed and permitted land in Holmhead, with consents, which should be developed before further land release is permitted.

In terms of the development plan, the points raised by the objectors are material to the consideration of this application. The policy implications are more fully described in section 5 of the report but it is correct that there are sites within the settlement boundary, either with planning consent or identified as housing sites, that remain undeveloped at this time.

4.8 If land is required to be released for development, and only when demand has been established, it is suggested that there are alternative sites that could be developed without extending the community. This would include the fields between the current Skerrington Farm scheme towards Craigen and behind Netherthird School. These important decisions should be considered as part of a general review of housing land within the Cumnock area that would be part of the local plan development process that in turn would be backed by local public consultation. This is a process that should be planned and not driven by opportunist piecemeal consents.

Noted. The Planning, Development and Building Standards Division has recently released the public consultation draft of the revised local plan. This identifies possible suitable sites for the likes of residential development within the Cumnock area based on housing demand within the area. At this stage the information contained in the draft local plan cannot be used as a material consideration in the determination of planning applications therefore all proposals at present have to be assessed under the current adopted local plan. It can be noted at this stage that the application site has not been identified in the draft local plan for residential development or included as part of the extension to the Cumnock settlement boundary.

4.9 There will be a loss of amenity enjoyed by existing householders. This would be caused by the disturbance during the construction phase and the ongoing loss of amenity with the loss of the open country aspect of the existing houses.

The potential loss of amenity during the construction phase of the proposed development would be temporary in nature. The loss of a view is not a material consideration in the determination of this application.

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 (EALP).

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 outwith the settlement boundary of Cumnock and the proposal is therefore contrary to policy ADS3.

5.3 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 a 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 agriculture and forestry.

The proposal cannot be justified in terms of any of the above criteria. It is therefore contrary to policy G5.

East Ayrshire Local Plan

5.4 In the adopted EALP the application site lies within the Rural Protection Area. 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 RES 2 states that, with the exception of dwellings covered by Policies RES 13 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;
- (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.

In the absence of any evidence demonstrating that there is a shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area, the proposal can not be considered to meet with the provisions of policy RES 2.

5.5 Policy RES 13 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:

- (i) for a full time agricultural or forestry worker employed directly on the land to which the proposed house relates;
- (ii) for a worker employed by a rural enterprise or a tourism related activity and where the requirement for that worker to live on the site is essential to the economic operation of the activity concerned;
- (iii) as an essential and integral part of an authorised proposal which necessitates the provision of on-site staff accommodation; or
- (iv) as an enabling development for the conversion of a large rural residential or institutional property, as detailed in Policy RES8 above.

The policy also states that developments for which a site-specific locational need cannot be demonstrated to the satisfaction of the Council will not receive Council support.

No supporting information has been submitted by the applicant to justify this proposal for housing development in the Rural Protection Area on a site-specific locational need. It is therefore contrary to policy RES 13.

1.0 Policy RES 17 does not permit proposals which constitute ribboning of development along public roads in rural areas or an inappropriate extension of development into the countryside from existing settlement boundaries.

The application is not consistent with these criteria of Policy RES 17.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of the application are the consultations, the representations detailed in Section 4 above, the planning history of the site and the Finalised Ayrshire Joint Structure Plan.

Consultations

6.2 None of the consultation responses have raised any issues which would indicate that the application should be refused.

Representations

6.3 It is considered that the representations made in terms of the physical development of the site are either not valid or have not been substantiated through the consultation process. It is considered that loss of amenity can not be fully assessed at this outline stage and impacts resulting during the construction phase would be temporary in nature or could be mitigated by use of conditions. The representations made regarding the need, justification and the departure from the Development Plan are valid in this case and are material to the determination of the application. In this regard the representations would presume against the proposed development.

Planning History

6.4 Outline planning permission (Ref: CD/89/189) was approved for change of use and erection of houses, hotel and petrol station on 28 September 1989 at Skerrington Farm, Cumnock. A small part of this site was located within the development site. A detailed application was never submitted and this consent has long since expired.

6.5 An outline application (Ref: 01/0412/OL) for proposed residential development of the current application site was considered by the Southern Local Planning Committee at its meeting on 07 September 2001. The Local Planning Committee at that time was of the view that there was a demand for private housing in the area which would be met by the proposed development and which, if not met, would be to the detriment of the community of Cumnock. Consequently the Committee referred the application to the Development Services Committee with a recommendation for approval. The

application was subsequently refused by the Development Services Committee on 25 September 2001.

6.6 A previous application (ref: 04/1188/OL) for proposed residential development of the current site was considered by the Southern Local Planning Committee on 17 June 2005. The Local Planning Committee followed the recommendation of the Head of Planning and Building Standards and took the view that the application should be refused.

Ayrshire Joint Structure Plan (New Finalised Version)

6.7 Policy COMM 5 - Housing in the Countryside states that 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 three Councils shall identify in local plans or supplementary planning guidance policies where various types of residential development in the countryside would be considered acceptable, and establish criteria against which single or small scale residential development in the countryside can be assessed.

The proposed application does not fall under any of the above types of development and is not acceptable in terms of the East Ayrshire Local Plan. It is therefore contrary to policy COMM 5.

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

1.0 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. As is indicated in Section 5 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application, however, it is considered that these too support a recommendation to refuse the application on the basis of it being contrary to the policy provisions of the EALP.

8.2 The application under consideration is for the residential development of an area of ground outwith the settlement boundary of Cumnock. As no details justifying the proposal have been submitted as it currently stands the application remains contrary to both the policies contained in the Ayrshire Joint Structure Plan and Adopted East Ayrshire Local Plan. The public consultation stage of the draft local plan has recently ended, however at this stage the draft plan cannot be taken as a material consideration in the determination of the application. Furthermore the application site is not proposed for inclusion as part of the revised settlement plan for Cumnock in this draft plan.

8.3 Therefore in the absence of any specific locational need for this residential development there is no justification for an 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 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 represent a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

21/11/2006
RG
FV/DVM

LIST OF BACKGROUND PAPERS

4. Application form and plans.
5. Statutory Notices/certificates.

6. Consultation responses.
7. Letters of representation.
8. Approved Ayrshire Joint Structure Plan (1999).
9. Adopted East Ayrshire Local Plan (2003).
10. Previous applications CD/89/189, 01/0412/OL and 04/1188/OL

Any person wishing to inspect the background papers listed above, should contact Mr. Robin Ghosh on 01563 555483.

Implementation Officer: Dave Morris

Application no: 06/0592/OL

Location	Land Adjacent to Skerrington Farm
Nature of Proposal:	Proposed Residential Development
Name and Address of Applicant:	Alex Brewster and Sons Bonnington Mains Farm KIRKNEWTON Edinburgh
Name and Address of Agent	Yeoman McAllister Architects Waterside Studios 64 Coltbridge Avenue EDINBURGH

DPO's Ref: {Robin Ghosh }
PPO's Ref: [Hugh Melvin }

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

- (0) The proposed residential development site lies outwith the settlement boundary of Cumnock as defined in the East Ayrshire Local Plan. The proposal is therefore contrary to Policy ADS3 of the approved Ayrshire Joint Structure Plan.
- (2) The applicant has failed to demonstrate either any shortfall of effective housing land within the East Ayrshire Market Housing Area or any justified specific locational need for the development. The proposal is therefore contrary to Policy G5 of the approved Ayrshire Joint Structure Plan and Policies RES2 and RES13 of the adopted East Ayrshire Local Plan
- (3) The proposed development does not accord with the Housing Development Strategy stated in the adopted East Ayrshire Local Plan which encourages the growth of all settlements, where possible, to meet housing demand generated locally within each particular settlement concerned.
- (4) There is sufficient effective housing land within Cumnock to meet the local housing needs of the settlement, and no further additional land release is considered justified in terms of the East Ayrshire Local Plan Housing Development Strategy.
- (5) The proposal would constitute a linear development that would be an inappropriate extension of development into the countryside from the existing settlement boundary of Cumnock and, as a consequence, contrary to RES 17 of the East Ayrshire Local Plan.

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