

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 28 JANUARY 2005

**04/1066/OL: PROPOSED HOUSING DEVELOPMENT OF FIVE DWELLINGS
AT FORMER NURSERY SITE, POLQUHIRTER NURSERY, NEW CUMNOCK**

APPLICATION BY MESSRS. J. & R. WILSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the development of the site for residential purposes for five dwellinghouses. No details of the house types have been submitted at this stage. However, the applicant has provided an indicative layout showing five dwellings in a small cul-de-sac arrangement with a single vehicular access point onto the A76 trunk road. The indicative layout is spacious and can comfortably accommodate the proposed 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

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 a residential development of five dwellings on a site within the Rural Diversification Area but no justification has been provided for the development in this rural area. It is accepted that this is a 'brownfield' site given the previous use as a nursery and market garden but with the exception of minor structures, the site has become more naturalised into the wider rural area in which it is located.

3.3 It is noted that there are no third party objections and given the removal of the previous recommendation of refusal by the TRNMD, there are no significant adverse comments from consultees. However, in the absence of any specific locational need for this residential development, 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 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.

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

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the south side of the A76 New Cumnock – Kirkconnel Trunk Road some 235 metres east of the settlement boundary of New Cumnock. The site lies adjacent and to the west of Polquhirter Cottage, the residential property known as The Paddock and West Polquhirter Farm.

2.2 The site extends to approximately 0.6 hectare with the site gently sloping from west to east. The frontage of the site onto the A76 trunk road is demarcated in part by a drystone dyke and hawthorn hedging. A public footpath leading from Afton Bridgend in New Cumnock terminates at the western extremity of the application site. The application site forms part of the former Polquhirter Nurseries and was previously occupied by glasshouses and other land used for commercial market garden purposes.

2.3 The site is presently vacant and forms part of the landholding associated with Polquhirter Cottage. It appears to be managed in terms of its current condition, although no agricultural or market garden use is apparent on site. A small brick structure remains on site presumably associated with the former glasshouses.

2.4 **Proposed Development:** Outline planning permission is sought for the development of the site for residential purposes for five dwellinghouses. No details of the house types have been submitted at this stage. However, the applicant has provided an indicative layout showing five dwellings in a small cul-

de-sac arrangement with a single vehicular access point onto the A76 trunk road. The indicative layout is spacious and can comfortably accommodate the proposed dwellings.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Executive Trunk Roads Network Management Division has no objections to the proposed development but advises that the following conditions be attached to any consent:

(i) The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Design manual for Roads and Bridges Volume 6 Section 2 Part 7 TD 41/95 complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. Reason – To minimise interference with the safety and free flow of traffic on the trunk road and to ensure the standard of access complies with current design standards.

(ii) Visibility splays shall be provided on each side of the access. These splays are the areas of ground defined by a line 4.5 metres (minimum) measured along the centreline of the access (the 'x' dimension) from the nearside edge of the trunk road; a line 215 metres (minimum) long measured along the nearside edge of the trunk road from the centreline of the access (the 'y' dimension) and a straight line joining the termination of these two lines. In a vertical plane nothing shall obscure visibility measured from the driver's eye height of between 1.05 metres and 2.0 metres positioned along the 'x' dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the 'y' dimension. The applicant must liaise with the trunk Road Operating Company regarding the repositioning of a countdown marker which obstructs visibility. Reason – To ensure that drivers of vehicles leaving the site are able to see and be seen by vehicles on the trunk road and can join the traffic stream safely.

(iii) The gradient of the access road shall not exceed 2% for a distance of 5 metres from the edge of the trunk road. Reason – To minimise the risk of exiting vehicles stalling or inadvertently rolling out onto the trunk road.

(iv) There shall be no drainage connections to the trunk road drainage system. Reason – To ensure the efficacy and integrity of the trunk road drainage system is not reduced.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Trunk Roads Network Management Division.

3.2 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via internal roads that comply with the Roads Development Guide 1996 and will require construction consent from East Ayrshire Roads Division. This would cover details such as road widths, footways, road construction, street lighting, drainage, turning area etc. Off road parking spaces will be required for each dwellinghouse in line with the requirements of the Roads Development Guide 1996 with some additional visitor spaces provided. Each private driveway will require to be paved for a minimum distance of 2 metres from the rear of the footway/ edge of the public road carriageway 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.

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

3.3 Scottish Water has no adverse comments to make on the proposed development.

Noted.

3.4 The Scottish Environment Protection Agency has indicated that provided the foul drainage from the site connects to a septic tank and total soakaway arrangement or mound system, designed and constructed in accordance with current codes of practice, SEPA has no objection to the proposal. SEPA understands that the proposal does not involve a discharge to a watercourse either directly or indirectly. Where feasible rainwater from the roof and driveways should be drained via SUDS.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SEPA with respect to the drainage of the site.

3.5 National Air Traffic Services (NATS) has no safeguarding objection to the proposed development.

Noted.

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

Noted.

3.7 Transco has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposed development.

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 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.

No justification for the proposed development has been made by the applicant in terms of the above criteria. The proposed development is therefore considered contrary to structure plan policy.

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 supporting information has been submitted which would suggest that the house was required for categories of development detailed in policy RES 13.

- (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,

The proposal does not constitute a limited addition to a clearly defined group of four or more dwellings, as there are only two houses in the existing grouping. It is proposed to create five new plots, which is greater than 50% of the existing group of dwellings.

- (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.

The above criterion is not applicable to this application.

The principle of the development is not considered acceptable in terms of Structure Plan policy G6 or in terms of adopted local plan policy RES 14. 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 the planning history of the site.

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 A previous application (Ref. No. 04/0374/OL) for outline consent for the erection of five dwellings on this site was withdrawn from consideration on 08 September 2004 following a recommendation of refusal from The Scottish Executive Trunk Roads Network Management Division for road safety reasons. The issues raised at that time have now been suitably addressed and the TRNMD does not object to the current revised application subject to appropriate conditions.

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.

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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

11 January 2005

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 application 04/0374/OL.

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: 04/1066/OL

Location	Former Nursery Site, Polquinter Nursery NEW CUMNOCK
Nature of Proposal:	Proposed housing development of 5 dwellings
Name and Address of Applicant:	J. & R. Wilson 65 High Street SANQUHAR DG4 6DT
Name and Address of Agent	Axiom Design Services 65 High Street SANQUHAR DG4 6DT

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 the erection of five 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 RES13 and RES14 of the Adopted East Ayrshire Local Plan.

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